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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- THIRD SESSION


THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

REPORT ON THE VETTING OF NOMINEES (CHAIRPERSON AND MEMBERS) FOR
APPOINTMENT TO THE NATIONAL POLICE SERVICE COMMISSION

DIRECTORATE OF COMMITTEES SERVICES
THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 MAR 2019	DAY: TUESDAY
TABLED BY:	CHAIR, ADMINISTRATION HON. PAUL KOINANGE
CLERK-AT THE TABLE:	

MARCH 2019

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CHAIRMAN'S FORWARD

On Tuesday 19th February, 2019 pursuant to Standing Order 42(3) of the National Assembly, the Speaker in his Communication to the House delivered a message from, H. E. the President and Commander in Chief of the Kenya Defense Forces of the Republic of Kenya nominating Mr. Eliud Ndung'u Kinuthia, Ms. Lilian Mutio Kiamba, Mr. Eusebius Karuti Laibuta, Mr. Naphtaly Kipchirchir Rono, Dr. Alice Atieno Otwala and Mr. John Tentemo Ole Moyaki, as Chairperson and Members respectively to the National Police Service Commission pursuant to Article 250 (2) (b) of the Constitution.

Subsequently, pursuant to standing order 45 (1) the Speaker referred the Message from H. E. the President containing the names of the nominees together with their curricula vitae to the Departmental Committee on Administration and National Security to conduct the vetting. Further, the Speaker directed that the Committee tables a report in the House within the stipulated timeframe.

The Committee held its first sitting on Tuesday, 26th February, 2019 to familiarize itself with the curricula vitae of the nominees and to consider memoranda received. On Thursday, 28th February, 2019, the Committee held an approval hearing meeting during which the nominees appeared and were vetted. In conducting the vetting exercise, the Committee made reference to the Constitution, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the National Police Service Act, 2014 and the Standing Orders. During the exercise, the nominees made submissions on why they should be considered for appointment to the positions of Chairperson and Members of the National Police Service Commission.

The Committee, in compliance with Constitutional and other legal requirements and established procedures for vetting, ensured its meetings were open to the public and covered by the media. The Committee also placed advertisement in the mainstream print media pursuant to provisions of Article 118 of the Constitution and section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 on Thursday, 21st February, 2019 inviting the public to submit memoranda, in tandem with the law.

Honorable Speaker,



The Committee deliberated on the nominees' biodata, curriculum vitae, submissions made by the nominees including their oral submissions during the vetting at the sitting held on Thursday, 28th February, 2019. The Committee came up with several findings during the vetting exercise. The observations, findings and conclusions guided the Committee in making its final recommendations. The recommendations of the Committee were agreed upon by the Members during the adoption of the Report on **Monday, 4th March, 2019.**

Honorable Speaker,

The Committee takes this opportunity to thank the Offices of the Speaker and the Clerk of the National Assembly for the logistical support accorded to it during the vetting exercise. The Committee is also grateful to the media for their coverage of the proceedings of the Committee, thus enhancing accountability and transparency of the vetting exercise.

On behalf of the Committee, and pursuant to Article 250 (2) (b) of the Constitution, Section 8 of the Appointments (Parliamentary Approval) Act, No. 33 of 2011, and Standing Order No. 45 (4) and 199(6), it is my pleasant duty to table the Report of the Departmental Committee on Administration and National Security on the vetting of nominees for appointment as the Chairperson and Members of the National Police Service Commission.



HON. PAUL KOINANGE, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

PREFACE

Mandate of the Committee

The Departmental Committee on Administration and National Security was constituted on 14th December, 2017 pursuant to provisions of Standing Order 216(1).

The Committee executes its mandate in accordance with the provisions of Standing Order 216 (5), from which it draws its mandate to, *inter alia*

- a) investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments; and
- b) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204.

In executing its mandate, the Committee oversees the following Ministries and Departments:

- i) The Ministry of Interior & Coordination of National Government—
 - a) State Department of Interior;
 - b) State Department of Immigration and Border Control; and
 - c) State Department of Correctional Services,
- ii) The National Police Service Commission;
- iii) The Independent Policing Oversight Authority; and
- iv) The Public Service Commission.

According to Schedule II of the Standing Orders, the Committee is mandated to consider the following subjects:

- i) National Security;
- ii) Police Services;
- iii) Home Affairs;
- iv) Public Administration;
- v) Public Service,
- vi) Prisons; and



vii) Immigration

Membership

The Departmental Committee on Administration and National Security comprises of the following members;

1. Hon. Paul Koinange, MP - Chairperson
2. Hon. John Waluke, MP - Vice-Chairperson
3. Hon. Athanas Wafula Wamunyinyi, MP
4. Hon. Peter Kaluma, MP
5. Hon. Dr. Makali Mulu, MP
6. Hon. Aduma Owuor, MP
7. Hon. Didmus Wekesa Barasa Mutua, MP
8. Hon. Geoffrey Kingagi Muturi, MP
9. Hon. Marselino Malimo Arbelle, MP
10. Hon. Dr. Tecla Chebet Tum, MP
11. Hon. Josphat Kabinga Wachira, MP
12. Hon. Nimrod Mbithuka Mbai, MP
13. Hon. George Theuri, MP
14. Hon. Martin Deric Ngunjiri Wambugu, MP
15. Hon. Abdi Omar Shurie, MP
16. Hon. Mucheke Halima, MP
17. Hon. Peter Masara, MP
18. Hon. Edward Oku Kaunya, MP

Committee Secretariat

1. Mr. Abdullahi Aden - Senior Clerk Assistant
2. Mr. Joshua Ondari - Clerk Assistant III
3. Ms. Brigitta Mati - Legal Counsel
4. Mr. Edison Odhiambo - Fiscal Analyst
5. Mr. Donald Manyala - Researcher Officer
6. Mr. Ian Otieno - Audio Officer



Pursuant to Article 250(2) (b) of the Constitution as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President nominated—

- | | | |
|---|---|--------------------|
| 1. Mr. Eliud Ndung'u Kinuthia | - | Chairperson |
| 2. Ms. Lilian Mutio Kiamba | - | Member |
| 3. Mr. Eusebius Karuti Laibuta | - | Member |
| 4. Mr. Naphtaly Kipchirchir Rono | - | Member |
| 5. Dr. Alice Atieno Otwala | - | Member |
| 6. Mr. John Tentemo Ole Moyaki | - | Member |



1.0 BACKGROUND

1.1 Appointment of Commissions and Independent offices

Article 250(2) (b) of the Constitution provides that;

The Chairperson and each member of a commission and a holder of independent office shall be—

- a) identified and recommended for appointment in a manner prescribed by National legislation;
- b) approved by the National Assembly; and
- c) Appointed by the President.

1. Article 246 of the Constitution provides as follows—

(1) There is established the National Police Service Commission.

(2) The Commission consists of—

(a) the following persons, each appointed by the President—

(i) a person who is qualified to be appointed as a High Court Judge;

(ii) two retired senior police officers; and

(iii) three persons of integrity who have served the public with distinction;

(b) the Inspector-General of the National Police Service; and

(c) both Deputy Inspectors-General of the National Police Service.

Qualifications for appointment as Chairperson and Members of the Commission.

*(1) A person shall be qualified for appointment as **chairperson or a member** if such person—*

(a) is a citizen of Kenya;

(b) holds a degree from a university recognized in Kenya;

(c) meets the requirements of Chapter Six of the Constitution, and

(d) is not, and has not previously been a member of the National Police Service.



(2) For purposes of Article 246(2)(a)(ii) of the Constitution, the President shall appoint two retired senior police officers, one each from the Kenya Police Service and the Administration Police Service, and who shall be of opposite gender.

(3) A person shall not be qualified for appointment under subsection (2) unless the person held the rank of senior superintendent of police or above.

(4) A person shall be qualified for appointment as a member under Article 246(2)(a)(iii) of the Constitution if the person possesses the following additional qualifications—

(a) holds a degree from a university recognized in Kenya;

(b) has at least ten years' experience in any of the following disciplines—

(i) finance and administration;

(ii) economics;

(iii) human resources development and management;

(iv) public administration;

(v) labour laws;

(vi) economics;

(vii) law;

(viii) human rights;

(ix) ethics and governance;

(x) mediation and consensus building; and

(xi) change management.

(c) meets the requirements of Chapter Six of the Constitution;

(d) is not and has not previously been a member of the National Police Service; and

(e) has had a distinguished career in their respective fields.

Issues for consideration in conducting the Approval hearing

Public access and participation

Article 118(1) of the Constitution provides that; Parliament shall—

(a) Conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and



(b) Facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.

In conducting the Approval hearing, the Committee was guided by Article 73(2)(a) (b)(c) and (e) of the Constitution, the Public Service Commission Act, 2017 and Sections 6(7) and 7 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

Article 73(2) of the Constitution provides that:

(2) The guiding principles of leadership and integrity include—

- a. selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
- b. Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
- c. Selfless service based solely on the public interest, demonstrated by—
 - i) Honesty in the execution of public duties; and,
 - ii) The declaration of any personal interest that may conflict with public duties;
- d. Accountability to the public for decisions and actions; and
- e. Discipline and commitment in service to the people.

Article 232 of the Constitution on Values and Principles of Public Service

2. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policymaking; accountability for administrative acts; transparency and provision to the public of timely, accurate



information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

Article 10(2) of the Constitution on national values and principles of governance

3. Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability; and sustainable development.

The Public Service (Values and Principles) Act

7. Section 5 of the Public Service (Values and Principles) Act provides that a public officer shall maintain high standards of professional ethics, including, being honest; displaying high standards of integrity, transparency, accountability, respect to others, objectivity, patriotism, observance of the rule of law.

Message from H.E. the President

On Tuesday, 19th February, 2019 pursuant to Standing Order 42 (3), the Speaker of the National Assembly conveyed a message to the House from H.E. the President nominating persons to the National Police Service Commission for approval by the House pursuant to Article 250(2)(b) of the Constitution.

Article 250(2)(b) of the Constitution confers upon the President the power to nominate, and subject to approval by the National Assembly, appoint the Chairperson and Members of the National Police Service Commission.

Upon conveying the message from H. E. the President on the nomination, the Speaker of the National Assembly forwarded the names of the nominees and their curriculum vitae to the Departmental Committee on Administration and National Security to conduct Approval hearings.



Clearance Requirements

On Thursday, 21st February 2019, the Clerk of the National Assembly wrote a letter to the Ethics and Anti-Corruption Commission; the Criminal Investigation Department; the Kenya Revenue Authority (KRA); the Higher Education Loans Board (HELB); and the Office of the Registrar of Political Parties seeking information on the nominees with respect to matters relating to integrity, criminal record, tax compliance, an unpaid loan and whether they are officials of a registered political party.

Notification to the Nominees

On Thursday, 21st February, 2019, the Clerk of the National Assembly, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, notified the nominees in writing that the approval hearing was scheduled to take place on Thursday, 21st February, 2019 at Parliament Buildings.

Notification to the Public

Section 6(9) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, provides that *“any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidates have been nominated”*.

On Thursday, 21st February, 2019, the Office of the Clerk published an advertisement in the print media inviting the public to present submissions and memoranda touching on suitability of the nomination of Chairperson and Members of the National Police Service Commission. By close of business at 5.00pm on Tuesday, 26th February, 2019, no memoranda had been received from the public in favour or against the aforementioned nominees. Further, the other advert notified the public that the Departmental Committee on Administration and National Security would conduct an Approval hearing, pursuant to Article 118 (1)(a)(b) and (2) of the Constitution, Standing Order 198 (1) and Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011.

Committee Meetings

The Committee carried out the vetting exercise on Thursday, 28th February, 2019. The Committee held a preparatory meeting on Tuesday, 26th February, 2019 to familiarize members



with the curricula vitae of the nominees and prepare for the approval hearing pursuant to the provisions of the Public Appointments (Parliamentary Approval) Act No.33 of 2011.

Clearance Letters

Further, the Committee received letters from the Kenya Revenue Authority, indicating that the nominees were tax compliant, and the Higher Education Loans Board, stating that the Board was not owed any loans by the nominees.

The Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigation confirmed that there were no outstanding issues or ongoing investigations against the nominees.

The Office of the Registrar of Political Parties also confirmed that none of the nominees was an official of any registered political party.

The nominees also presented before the Committee their Certificates of Good Conduct duly issued by the Directorate of Criminal Investigations.

2.0 THE VETTING PROCESS

On Thursday, 28th February, 2019 the Committee held a session with the nominees for vetting of Chairperson and Members of the National Police Service Commission.

In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, the Public Service Commission Act, 2017 and the National Assembly Standing Orders.

In conduction the approval hearing, the Committee examined the nominees against the following criteria as set out in the Public Appointment (Parliamentary Approval) Act of 2011-

- i) Academic qualifications;
- ii) Employment record and work experience;
- iii) Professional Experience ;
- iv) Integrity;
- v) Potential Conflict of Interest ; and
- vi) Suitability for the position.



2.1 VETTING OF ELIUD NDUNG’U KINUTHIA, CHAIRPERSON, NATIONAL POLICE SERVICE COMMISSION (NOMINEE)

Mr. Eliud Ndung’u Kinuthia, the nominee for appointment to the position of the Chairperson, National Police Service Commission appeared and informed the Committee as follows.

(a) Citizenship, Date and Place of Birth

The nominee is a Kenyan citizen and was born in 1973; he hails from Lamu County.

(b) Academic and Professional Qualifications

He holds Bachelor Degree in Education (B.Ed) Statistics Major, Master of Arts (M.A) in Development Studies and Gender from University of Nairobi and a second Masters degree in Business Administration (MBA) Strathmore Business School, Strathmore University.

On his suitability for the position of Chairperson in the National Police Service Commission

- a) He indicated that his academic qualifications and experience as DFID Technical advisor to State Department of Interior and National Police Service on National Police Service Transformation gave him the required background and skills.
- b) He had served as a Coordinator of the National Police Service Reforms Programme in the State Department of Interior under the Bilateral support of Kenya Government and Swedish International Development Cooperation (SIDA).
- c) He had also worked in the Ministry of Devolution and Planning as World Bank Strategy Consultant where he provided technical expertise to the Ministry and Kenya National Bureau of Statistics (KNBS) in strategy development and Training of section Heads on Development of National Statistics.



- a) **On the nominee's ability to solve conflicts of interest when working with Senior Officers Vs. Junior Police Officers:** the nominee responded that Chapter Six of the Constitution on Leadership and Integrity was clear on the standards and conduct of a state officer. He stated that he would adhere strictly to the provisions of the law. He further stated that the role of the Commission was a human resource management and there was a clear role between their work and the Independent Command of the Inspector General and when appointed, His Commission would endeavor to deliver the best human capital.

That the Commission would put in place procedures for the conduct and discipline of police officers, recognizing that the first line of discipline was the command and would ensure that there are rules and regulations to take up disciplinary cases without any delay/backlog.

- b) **On Misuse of Police Officers by Very Important Persons (VIPs):** the nominee stressed that security of Kenyans including that of VIPs was paramount and would ensure that officers were engaged only in their core duties of protecting life and property. When appointed, he would lead a multi-agency cooperation to ensure private security is expanded to other areas including front doors and other public installations.
- c) **On efficiency in public service by the police on gender violence issues:** The nominee stated that the center of service delivery by the police was at police stations. He would concentrate on police stations reforms by ensuring that services and systems were digitized and strive to improve the Public Relations at the police stations level. He noted good public relations at the police station level would deter corruption which often occurs in secrecy. He would further ensure that Leadership at the Police stations are supported through institutionalizing open days at the police station and address the ownership question at the police station.
- d) **On improving the welfare of the police:** the nominee recognized that already there were policy changes on the re-organization of the police service. The re-organization places integration of the police with the community. He supported the policy of doing away with police lines to enable the police have self-correcting procedures. He noted that suicide rates among the police officers occur as a result of having officers work and stay in the same work environment.

- e) **On his Legacy:** -the nominee asserted that he was committed to results and was a facilitator of transformation service in a wholistic way. He would aspire to have a Commission that is reforming and not deforming, complimenting and not competing as well as united Commission with a common purpose.
- f) **On his employment at the Department for International Development (DFID):** the Nominee informed the Committee that the DFID assignment was a bilateral programme between DFID and the government of Kenya under the supervision of the Ministry of Interior. Upon being found suitable, he would revoke his position at DFID.
- g) **On many policies that have never been implemented by the Commission:** the Nominee noted that he was coming in at a time the policies were yet to be implemented and would receive the policies as handing over notes. Policies which are straightforward shall be implemented immediately but policies which have limitations on their independence shall be reviewed before embarking on their implementation.
- h) **On promotions and transfers:** The Nominee informed the Committee that there were areas he could not receive instructions from the Inspector General but could also not tie the hands of the IG on areas the IG feels a particular officer could do better than the other. Further in recognition of Article 246 of the Constitution and borrowing a leaf from the Public Service Commission, there were promotions which the Commission could delegate to the IG and various commanders and there were promotions which were strictly done by the Commission. For Example, he noted that officers of the level of Constable to Sergeant are left to the IG to deal with, while those of the rank above Inspectors to Senior Assistant Inspector General (SAIG) were left under the domain of the Commission.

He further noted while there were delegated powers to the IG, the Commission retains the responsibility and the oversight role.

- i) **On corruption:** The Nominee recognized that corruption was evil and that there was need for ethical standards to be instilled in the Service. He informed the Committee that he would introduce a gift and conflict of interest register in recognition of Article 77 of the Constitution. He would also ensure integrity of the Administrative Human Resource system of the police through the use of biometric systems, automation of records and encouragement of value-based system.



- j) **On His political affiliation:** The Nominee informed the Committee that he is a resident of Lamu West Constituency. He stated that while discharging his mandate as the Chairperson, he would remain a State Officer with no political party affiliation.
- k) **On conflict of interest touching on his private business:** The Nominee stated that there was a directive and that the commission will undertake an audit of the businesses owned or operated by police officers.
- l) **On his Net Worth:** The Nominee informed the committee that his worth stands at Ksh. 14.3 million.
- m) **On Integrity,** the nominee informed the Committee that he had never been mentioned adversely in any report by a parliamentary committee or an independent Commission. He also confirmed that he had no previous conviction or an ongoing case in court.

The nominee further confirmed that he had clearance from the Ethics and Anti-Corruption Commission, the Criminal Investigation Department, the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties.

- n. **On the Big Four Agenda,** he stated that she would ensure that the human capital is well facilitated with the right skills for efficiency and effectiveness in the achievement of the Agenda.

Committee observations on suitability of Mr. Eliud Ndung'u Kinuthia as Chairperson, National Police Service Commission

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, curriculum vitae and oral submissions during the approval hearing, made the following observations on his suitability for appointment as Chairperson, National Police Service Commission, that:

1. The nominee is a Kenyan of exceptional integrity who holds a Master's degree in Development Studies from University of Nairobi.



2. The nominee is not and has never served in the National Police Service.
3. The nominee demonstrated vast experience in police reforms having served as the Technical Advisor to the State Department of Interior and National Police Service on National Police Service Transformation, and as a Coordinator to the National Police Service Reforms Programme under the bilateral support of the Kenya Government and the Swedish International Development Cooperation.

2.2 VETTING OF MS. LILIAN M. KIAMBA, NOMINEE-NATIONAL POLICE SERVICE COMMISSION

Ms. Lilian Mutio Kiamba, the nominee for appointment to the position of the Member appeared and informed the Committee as follows-

(a) Citizenship, Date and Place of Birth

The nominee is a Kenyan citizen and was born in 1956.

(b) Academic and professional qualification

She holds a bachelor's degree in criminology and Fraud Management

- a) **On Human Resource**, the nominee stated that if approved she would share the experience she had gained from the service with other Commissioners in ensuring the challenges of the service on human resource are addressed.
- b) **On corruption**, the nominee stated that she would come up with the risk assessment policies which would help the Commission in coming up with details on the types of corruption perpetuated by police officers. This would help the commission in coming up with the ways of mitigating the vice.
- c) **On gender-based violence**, the nominee indicated that if approved, she would initiate policy on the formation of a special unit that will deal with gender-based violence to be based in the Directorate of Criminal Investigation headquarters and decentralize to the regions. This would ensure that those cases are reported timely, recorded and investigated.



- d) **On the issue of the gender and regional balance** , she stated that she would ensure that equity and equitability were given due consideration in sharing of opportunities to attain gender balance on every opportunity
- e) **On what she intended to achieve at the National Police Service Commission**, her goal was to reengineer reform programs to enhance the public sector performance targets, empower officers through effective succession management structures and promote integrity and values in the public service
- f) **On Integrity**, the nominee informed the Committee that she had never been mentioned adversely in any report by a parliamentary committee or an independent Commission. she also confirmed that she had no previous conviction or an ongoing case in court.

The nominee further confirmed that she had clearance from the Ethics and Anti-Corruption Commission, the Criminal Investigation Department, the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties.

Committee observations on suitability of Mrs. Lilian Kiamba as a Member, National Police Service Commission

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, curriculum vitae and oral submissions during the approval hearing, made the following observations on her suitability for appointment as Member, National Police Service Commission, that:

1. The nominee is a senior retired police officer who has served in the Kenya Police Service for over 30 years and was nominated pursuant to Article 246(2)(a)(ii) of the Constitution.
2. The nominee having risen through the ranks from Constable to Commissioner of police will bring her wealth of experience to the Commission in dealing with corruption in the National Police Service.

3. The Committee noted that the nominee has vast experience in the Police Service having served as a Provincial Criminal Investigation Officer in the former Eastern Provinces from 2007 to 2010 and served in Western Province from 2010 to 2011.
4. The nominee based on her experience on Gender Based Violence while at the Directorate of Criminal Investigations at the Headquarters will support the commission in establishment of programmes to address gender related matters.

2.3 VETTING OF MR EUSEBIUS K. LAIBUTA MEMBER, NOMINEE- NATIONAL POLICE SERVICE COMMISSION

Mr. Eusebius Karuti Laibuta, the nominee for appointment to the position of the Member, *National Police Service Commission* appeared and informed the Committee as follows.

a) Citizenship, Date and Place of Birth

The nominee is a Kenyan citizen, 8th June 1957 in Tigania West District in Meru County.

b) Academic and professional qualifications

The nominee holds a bachelor's degree in psychology and Diploma in International Relations from the University of Nairobi.

c) Employment and Work Experience

The nominee was a Commandant, Administration Police Senior Staff College, Emali tasked with Preparing budget proposals for the College, Deployment of all staff within the College both Civilian and uniformed and Responsible for the welfare of all the College Personnel.

- d) **On why he had three (3) jobs at the same time in 1979:** He stated that he was a registration clerk at the Ministry of Foreign Affairs six months, then a court clerk in the Judiciary for four months, and then was posted as a clerk to the Office of the President, all in 1979 but at different times.
- e) **On whether he was vetted:** He stated that he was a deputy commandant at the time of vetting where he produced all the required documentation, answered all the questions but



the verdict went against him. He sought judicial review on the decision and obtained conservatory orders which enabled him to be vetted afresh and was cleared and continued serving until his retirement in 2017.

- f) **On whether the vetting fiasco can pose any future conflict of interest considering his position at NPSC.** The stated that he had no grudge against any officer as none had registered a complaint against him during the vetting exercise. He also stated that he did not leave office but continued serving until he retired.
- g) **On whether the wealth declared was the same as the one declared during vetting of Police officers in 2014.** He stated that the assets and items declared remain largely the same only that the figures now reflect an appreciation in value as compared to the figure in 2014.
- h) **On his view on the relationship between the Kenya Police Service and Administration Police Service:** The nominee stated that the relationship has since improved with the implementation of police reforms . This has been facilitated by the merger and the harmonization of the training curriculum.
- i) **On his new ideas at the NPSC:** He stated that he will introduce a policy to revise the vetting rules to accommodate rules of natural justice, where a notice of removal or a show cause letter is served to an officer, accorded sufficient time for a response before any action.
- j) **On Integrity,** the nominee informed the Committee that he had never been mentioned adversely in any report by a parliamentary committee or an independent Commission. he also confirmed that he had no previous conviction or an ongoing case in court.

The nominee further confirmed that he had clearance from the Ethics and Anti-Corruption Commission, the Criminal Investigation Department, the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB and the Office of the Registrar of Political Parties.

Committee observations on suitability of Mr. Eusebius K Laibuta as Member National Police Service Commission

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, curriculum vitae and oral submissions

during the approval hearing, made the following observations on his suitability for appointment as Member, National Police Service Commission, that:

1. The nominee is a senior retired police officer who has served in Administration Police Service for over 30 years and was nominated pursuant to Article 246 (2) (a) (ii) of the Constitution.
2. The nominee having risen through the ranks from Constable to Assistant Inspector General of police will bring his wealth of experience to the Commission with respect to advancing administrative rights of members of the National Police Service.
3. The nominee has wide experience in Human Resource Management which will be useful in the Commission in addressing human capital in the service.

2.4 VETTING OF MR NAPHTALY KIPCHIRCHIR RONO MEMBER, NOMINEE-NATIONAL POLICE SERVICE COMMISSION

Mr. Naphtaly Kipchichir Rono, the nominee for appointment to the position of Member, *National Police Service Commission* appeared and informed the Committee as follows.

a) Citizenship, Date and Place of Birth:

The nominee is a Kenyan Citizen, born in Nandi County on 3rd January 1975

b) Education

He holds a Bachelor of Law Degree from the University of Nairobi, Postgraduate Diploma in Law from Kenya School of Law and currently pursuing a master's degree in law from the University of Nairobi

- c) Employment records and Work Experience:** he had extensive experience in public service and private practice having worked with National Intelligence Service for sixteen years (16) rising to the rank of Chief Intelligence Officer/Head of legal department and his responsibilities included advising the Director General and the Service on all legal matters, negotiating and drafting contracts, leases and other legal instruments. It also entailed liaising with the Ministry of Interior, Attorney General's office, and other Government departments on all legal matters affecting the service.



d) **On Gender based violence:** the nominee stated he would initiate and ensure there is a gender desk in police stations and also come up with a policy on the formation of a special unit in the Service to specifically deal with gender-based violence.

e) **On Corruption:** the nominee stated that, the Commission would build a strong partnership with Ethics and Anti-corruption Commission, Independent Policing Oversight Authority and the Judiciary in the fight against corruption.

The nominee further stated that he will enhance on automating the systems in the service to reduce and eradicate the processes of corruption.

f) **On Promotions and Transfers:** the nominee informed the committee that he would ensure that promotions and transfers are streamlined through regulations and guidelines and further address the challenges on training.

Committee observations on suitability of Mr. Naphtaly Kichirchir Rono as Member National Police Service Commission

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, curriculum vitae and oral submissions during the approval hearing, made the following observations on his suitability for appointment as Member, National Police Service Commission, that:

1. The nominee is an advocate with 17 years and is qualified to be appointed as judge of the High Court of Kenya pursuant to Article 246 (2) (a) (i) of the Constitution.
2. The nominee demonstrated a clear understanding of the operations on the strategies for policy implementation in the National Police Service.
3. The nominee demonstrated a commitment to spearhead digitalization of the Commissions records and human resource management systems.

2.5 VETTING OF MRS ALICE OTIENO OTWALA MEMBER, NATIONAL POLICE SERVICE COMMISSION NOMINEE

Dr. Alice Otiemo Otwala, the nominee for appointment to the position of the Member, *National Police Service Commission* appeared and informed the Committee as follows.

a) Education

She holds Bachelor of Arts Degree in Government and Geography from the University of Nairobi, 1981, a Master's Degree in Public Administration from the Liverpool University (United Kingdom), 1986 and a PhD in Public Administration from the London Graduate School, Commonwealth University, 2017.

b) Employment records and Work Experience:

She had an accomplished public service administrator who had risen through the ranks to her current position of Secretary and CEO of Public Service Commission. She has over 36 years' experience in the public service. Worked in various senior public management positions including serving as Deputy Commission Secretary, Senior Deputy Secretary, Ministry of East African and Senior Deputy Secretary, Office of the President among others.

c) **On the new ideas she will bring to the Commission:** The nominee stated that she will come up with a policy to streamline the human resource development of the service by implementing policies on human capital which were yet to be implemented.

d) **On the problem regarding ghost workers .** The nominee informed the Committee that she will initiate a process to digitalize the operations of the service, carry out audit to ensure that the records on the numbers of officers in service is accurate and that all ghost workers are deleted from the system

e) **On the scheme of service of the National Police Service,** the nominee informed the Committee that she will initiate the review of the scheme and that promotions be guided by competence, merit and performance.



f) **On Integrity**, the nominee informed the Committee that she had never been mentioned adversely in any report by a parliamentary committee or an independent Commission. she also confirmed that she had no previous conviction or an ongoing case in court.

The nominee further confirmed that she had clearance from the Ethics and Anti-Corruption Commission, the Criminal Investigation Department, the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties.

Committee observations on suitability of Mrs. Alice Otieno Otwala as Member, National Police Service Commission

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, curriculum vitae and oral submissions during the approval hearing, made the following observations on her suitability for appointment as Member, National Police Service Commission, that:

1. The nominee demonstrated that she is person of integrity who has served the public with distinction pursuant to the requirements outlined under article 246 (2) (a) (iii) of the Constitution.
2. The nominee has wide experience in the public service having served for the last 36 years. She is currently serving as Chief Executive Officer, Public Service Commission. Previously she has served in senior management positions including as Senior Deputy Secretary, Ministry of East African Affairs and Office of the President among others.
3. The nominee during her tenure at the Public Service Commission assisted in developing the current human Resource policy for the National Police Service Commission.



4. The nominee will assist the commission to develop and initiate digitalization of the operations of the service to audit and address the challenges on ghost workers.

2.6 VETTING OF MR JOHN TENMEMO OLE MOYAKI MEMBER, NATIONAL POLICE SERVICE COMMISSION NOMINEE

Mr. John Tentemo Ole Moyaki, the nominee for appointment to the position of the Member, *National Police Service Commission* appeared and informed the Committee as follows.

a) Education

He holds a Bachelor's Degree of Arts (Economics) from Moi University in 1999 and a Masters of Arts Degree from the University of Nairobi in 2015.

b) Working Experience

An Economist and a Public Administration specialist with extensive experience of over 19 years in the public sector currently serving as Chairperson County Public Service Board of Kajiado offering strategic leadership to the County Public Service Board in executing its mandate pursuant to the provisions of the Constitution and the County Government Act No. 17 of 2012.

Worked as Chief Administration Officer in Kenya Urban Roads Authority (KURA) in charge of the entire administrative section both at the headquarters and at regional offices and Preparation of management reports including policy papers.

c) Achievements

- i. **The County's Human Resource and Administration Policy manual:** Under his leadership, the county has developed and implemented manual that defined the strategic direction of human resource development and management at the county. Which contains a number of policies among them disciplinary, management trainee, internship and volunteer policies among others.
- ii. **Development of the county's organization structure (organogram):** Being the first County Public Service Board, he spearheaded the establishment of the entire county's structures Departments, divisions, sections and units.



- d) **On improving efficiency in the police service**, The nominee stated that if approved by the committee. He will come up with a policy that will decentralize the services of the commission by opening regional offices;
- e) **On matter regarding corruption in the service**. he stated that if approved and appointed, he would come up with monitoring and evaluation policies that would be used to address integrity issues and enhance ethics in the service as enshrined in article 232 and 10 of the constitution.
- f) **On Partnership with other state agencies**, the nominee informed the committee that would build a strong partnership with Ethics and Anti-corruption Commission, Independent Policing Oversight Authority and the Judiciary in the fight against corruption
- g) His net-worthy stands at Ksh117M.
- h) **On Integrity**, the nominee informed the Committee that he had never been mentioned adversely in any report by a parliamentary committee or an independent Commission. he also confirmed that he had no previous conviction or an ongoing case in court.

The nominee further confirmed that he had clearance from the Ethics and Anti-Corruption Commission, the Criminal Investigation Department, the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties.

Committee observations on suitability of Mr. John Tentemo Ole Muyaki as Member National Police Service Commission

The Committee having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, curriculum vitae and oral submissions during the approval hearing, made the following observations on his suitability for appointment as Member, National Police Service Commission, that:

1. The nominee demonstrated that he is person of integrity who has served the public with distinction pursuant to the requirements outlined under Article 246 (2) (a) (iii) of the Constitution.



2. The nominee has extensive experience of over 19 years in the public service acquired from County Government, roads and banking sectors and is currently serving as a Chairperson of Kajiado County Public Service Board.

3.0 COMMITTEE GENERAL OBSERVATIONS

The Committee having considered the curriculum vitae of the nominees and having heard their oral submissions during the approval hearing, at the sitting held on Thursday 28th February 2019 made the following general observations, that:

1. The nomination of the persons for the positions of Chairperson and Members of the National Police Service Commission met the requirements under Article 246 of the Constitution and section 6(6) of the National Police Service Commission Act.
2. The Committee did not receive any memoranda challenging the suitability for nomination of any of the nominees.
3. The nominations comprise of six persons, four of whom are men and two of whom are women and therefore, demonstrates the commitment of the State to implement the policy that no more than two thirds of appointive bodies shall be of the same gender pursuant to the provisions of Article 27 (8) of the Constitution.
4. Analyzing the Composition of nominees to the NPSC there is a reflection of regional and ethnic diversity, however, there is a need in future vetting exercises, for Parliamentary Committees to be furnished with the schedule confirming the membership of all Chapter fifteen (15) Commissions and independent offices to enable Parliament to ensure that nominations which are subject to vetting reflect regional and ethnic diversity of the people of Kenya.
5. Looking at the composition of nominees, there are no persons representing persons living with disability and youth. Therefore, there is need in future to include persons living with disability and youth, where they qualify, in the list of nominees for vetting to the National Assembly pursuant to the provisions of Article 27(6) and (7) of the Constitution of Kenya.



6. The Committee received information that during the months of January and February, 2019 His Excellency the President appointed a *selection panel* pursuant to the provisions of the National Police Service Commission Act. The *selection panel* elected Mr. Stephen Kirogo as its Chairperson. The *selection panel* then proceeded to advertise vacant positions at the National Police Service Commission in two local papers of wide circulation. The Panel undertook two rounds of shortlisting and interviews and thereafter forwarded names under the various categories that were vacant for consideration and nomination by the President.

4.0 COMMITTEE RECOMMENDATIONS

Having considered the suitability of the nominees pursuant to Article 246(2) of the Constitution and section 8(2) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, and section 6(6) of the National Police Service Commission Act, the Committee recommends that the National Assembly **APPROVES** the nomination of the following persons for appointment as Chairperson and Members to the National Police Service Commission: -

- | | | | |
|----|-------------------------------|---|-------------|
| 1. | Mr. Eliud Ndung'u Kinuthia | - | Chairperson |
| 2. | Ms Lilian Mutio, Kiamba | - | Member |
| 3. | Mr Eusebius Karuti Laibuta | - | Member |
| 4. | Mr. Naphtaly Kipchirchir Rono | - | Member |
| 5. | Dr. Alice Atieno Otwala | - | Member |
| 6. | Mr. John Tentemo Ole Moyaki | - | Member |

SIGNED.....

HON. PAUL KOINANGE, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

DATE.....5th March 2019.....

Approved for tabling



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SNA
5/3/19

THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT

(THIRD SESSION)

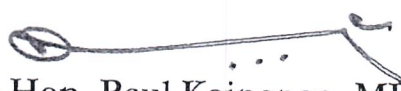
NOTICE OF MOTION – (CHAIRPERSON, ADMINISTRATION AND NATIONAL SECURITY COMMITTEE)

Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the Vetting of Nominees for Appointment as Chairperson and Members to the National Police Service Commission, laid on the Table of House on Tuesday, March 5, 2019, and pursuant to the provisions of Article 250(2)(b) of the Constitution, section 6(6) of the National Police Service Commission Act, and section 8 of the Public Appointments (Parliamentary Approval) Act, approves the appointment of the following persons to the National

- | | | |
|------------------------------------|---|--------------|
| (i) Mr. Eliud Ndung'u Kinuthia | - | Chairperson; |
| (ii) Ms. Lilian Mutio Kiamba | - | Member; |
| (iii) Mr. Eusebius Karuti Laibuta | - | Member; |
| (iv) Mr. Naphtaly Kipchirchir Rono | - | Member; |
| (v) Dr. Alice Atieno Otwala | - | Member; and, |
| (vi) Mr. John Tentemo Ole Moyaki | - | Member. |

to the National
Police
Service
Commission.


The Hon. Paul Koinange, MP

Chairperson, Departmental Committee on Administration & National Security

Date: 5th March 2019