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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION - 2024

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ON-

THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024
(NATIONAL ASSEMBLY BILLS NO. 23) BY HON. PETER MASARA, MP

 THE NATIONAL ASSEMBLY PAPERS LAID	
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TABLED BY:	Mrs. Chantreson (Mrs. Ravo Dido)
CLERK-AT THE-TABLE:	Randa Rilei

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CHAIRPERSON'S FOREWORD

The National Police Service Commission (Amendment) Bill, 2024, (National Assembly Bill No. 23), sponsored by the Hon. Peter Masara, MP was read a first time on 5th June, 2024 and committed to the Departmental Committee on Administration and Internal Security for consideration and reporting to the House, pursuant to Standing Order 127(1).

The principal object of the Bill is to make provision for the mental wellness and wellbeing of police officers including but not limited to the establishment of psychosocial support centres for police officers. The Bill recognizes that in the execution of their tasks, police officers work in potentially confusing roles alternating between law enforcement and public service and constantly face danger or mortality to ensure the safety of others. In some cases, due to the unique challenges of policing, they inflict harm on human beings as police work is more stressful than other jobs.

The Bill therefore gives the National Police Service Commission various mandates aimed at promotion of the mental health of police officers.

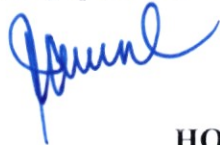
Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), advertisements for request for submission of memoranda were placed in the Daily Nation and the Standard newspapers on 12th June, 2024 inviting interested members of the public to submit views on the Bill. The Committee received submissions from Hon. Peter Francis Masara, MP, the State Department for Internal Security and National Administration, the National Police Service Commission, the Independent Policing Oversight Authority (IPOA), the National Association of Retired Police Officers Kenya (NARPOK), Kenya National Commission on Human Rights (KNCHR), the National Police Service and the Law Society of Kenya. All the submissions were considered by the Committee.

The Committee, having considered the National Police Service Commission (Amendment) Bill, 2024 (National Assembly Bill No. 23) sponsored by the Hon. Peter Francis Masara, MP clause by clause and taking into consideration views and recommendations of the public pursuant to Standing Order 127(3A), made observations and recommendations contained in Part Four and Part Five of this report.

Acknowledgement

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings.

On behalf of the Committee, and pursuant to Standing Order 199(6), it is my pleasant duty to table the Report of the Departmental Committee on Administration and Internal Security on its consideration of the National Police Service Commission (Amendment) Bill, 2024 (National Assembly Bill No. 23) sponsored by the Hon. Peter Francis Masara, MP.



HON. GABRIEL TONGOYO, MP
CHAIRPERSON

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

PART I

1.0 PREFACE

1.1 Mandate of the Committee

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

1.2 Subjects of the Committee

2. In executing its mandate, the Committee is mandated to consider the following subjects:
 - a. Home affairs, internal security – including police services and coast guard services;
 - b. Public administration; and
 - c. Immigration and citizenship.

1.3 Committee Membership

3. The Committee comprises of the following Members: -Indicate the Members political parties and ensure the font is the same as the rest of the report

Hon. Gabriel Tongoyo, MP
Chairperson
Narok West Constituency

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

Hon. Kaluma George Peter, MP
Homa Bay Constituency

Hon Protus Ewesit Akujah, MP
Loima Constituency

Hon. Aduma Owuor, MP
Nyakach Constituency

Hon. Rozaah Akinyi Buyu, MP
Kisumu West Constituency

Hon. Fred C. Kapondi, MP
Elgon Constituency

Hon. Caroline Ng'elechi, MP
Elgeyo-Marakwet County

Hon. Liza Chepkorir Chelule, MP
Nakuru County

Hon. Fatuma Jehow, MP
Wajir County

Hon. Sarah Paulata Korere, MP
Laikipia North Constituency

Hon. Francis Sigei, EBS, MP
Sotik Constituency

Hon. Oku Kaunya, MP
Teso North Constituency

Hon. Hussein Weytan, MP
Mandera East Constituency,

Hon. Mburu Kahangara, MP
Lari Constituency

1.4. Committee Secretariat

4. The Committee Secretariat consists of the following:

Mr. John Mugoma
Head of Secretariat

Ms. Grace Wahu
Clerk Assistant II

Mr. Edison Odhiambo
Fiscal Analyst I

Ms. Delvin Onyancha
Research Officer III

Ms. Judith Kanyoko
Legal Counsel II

Mr. Rodgers Kilungya
Audio Officer

Mr. Gideon Kipkogei
Clerk Assistant II

Ms. Clarah Kimeli
Principal Legal Counsel II

Mr. Benson Kimanzi
Serjeant at Arms

Ms. Ivy Maritim
Media Relations Officer III

PART II

2.0 THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024

2.1 Analysis of the Bill

5. The following is the analysis of the Bill—
 - a. **Clause 1** of the Bill provides for the short title.
 - b. **Clause 2** of the Bill provides for the definition of new terms as follows;
 - i. “psychosocial support” means the attention given to a person relating to the interrelation of social factors and individual thought and behaviour based on their mental state
 - ii. “wellness” means practising healthy habits regularly to attain better physical and mental health outcomes;
 - c. **Clause 3** of the Bill provides for the amendment of section 10 of the principal Act to include the establishment of psychosocial units and formulation of programs to promote the mental health and well-being of police officers as one of the functions of the National Police Service Commission.
 - d. **Clause 4** of the Bill provides for the addition of a new section 12A to provide for Police Officers’ mental health and wellbeing. It provides that Pursuant to section 12, the Commission, in consultation with the Inspector General, shall—
 - i. provide police officers with mental health and wellness resources; and
 - ii. in every county, establish well-equipped centres in offices, camps, training colleges and communities for police officers to receive psychosocial support.

2.2 The Existing Legal Framework

6. **Article 43** of the Constitution recognizes the right to the highest attainable standard of health as one of the economic and social rights. Currently, there is no Act of Parliament that specifically caters for the mental health of police officers. The **Mental Health Act** (Cap 248), however, generally addresses mental health. The purpose of the Act is to *inter alia* promote the mental health and well-being of all persons, including reducing the incidences of mental illness and to co-ordinate the prevention of mental illness, access to mental health care, treatment and rehabilitation services of persons with mental illness. It is instructive to note that the Mental Health Act, under section 17 provides for the admission and discharge of members of the Kenya Defence Forces into mental health units for observation and treatment.
7. The recommendations of the **Mental Health Task Force Report, 2020** which recommended the development and implementation of mental health literacy curriculum for the national police service, prison service and defence forces by the Cabinet Secretary for Interior. This was aimed at improving mental well-being among the security forces.
8. As it relates to security officers and mental health (Section 4.8 of the Report) the Taskforce found that—

“An officer’s mental state affects his or her behaviour. It can influence decision-making and judgment. The daily realities of the job can also affect the officers’ health and wellness. They face a constant need to be vigilant, long hours and shift work, exposure to the daily tragedies

of life and regular interaction with people who are in crisis or hostile toward them. Disciplined officers experience mental health challenges in a number of ways, including:

Security personnel usually offer the first response in emergencies and often experience catastrophic scenes such as injuries and mangled bodies at accident scenes. Sometimes they get involved in shootouts where people die of bullet wounds. Each day in their workday, they stare death in the face. In spite of this, they lack systematic access to treatment and counselling because their training emphasises physicality with little to no emotional preparation for the unsettling circumstances they face on the job. As a result, they suffer significant rates of depression and Post-Traumatic Stress Disorder (PTSD). Traumatic law enforcement work has been shown to increase officers' risk of developing Post-Traumatic Stress Disorder (PTSD) symptoms. PTSD is associated with major depression, panic attacks, phobias, mania, substance abuse, and increased risk of suicide.

9. The Taskforce therefore recommended that—
 - (i) The different security service institutions must provide psychological services for both managers and staff at disciplined institutions;
 - (ii) The institutions should establish regular staff support sessions on mental health in workplaces for the officers; and
 - (iii) The government, through the Ministry of Health, should mainstream mental health in all sectors, including the disciplined forces.

2.3 Comparative Legislation

10. In the **United States**, there is the Law Enforcement Mental Health and Wellness Act of 2017, which is a federal law. The Act contains provisions on support for law enforcement agencies including interagency collaboration, case studies of programs designed primarily to address officer psychological health and well-being and peer mentoring pilot programs. Specifically, Section 4 of the Act provides for support for officers and mandates the Attorney General in consultation with Federal, State, local, and tribal law enforcement agencies to *inter alia*—
 - (i) in consultation with the Secretary of Homeland Security and the head of other Federal agencies that employ law enforcement officers, examine the mental health and wellness needs of Federal law enforcement officers, including the efficacy of expanding peer mentoring programs for law enforcement officers at each Federal agency; and
 - (ii) ensure that any recommendations, resources, or programs provided under this Act protect the privacy of participating law enforcement officers;
11. In **Canada**, five provinces in Canada have implemented legislation that presumes that PTSD in police and other first responders is work-related and entitles those diagnosed with PTSD to workplace insurance benefits. These are Alberta, Manitoba, New Brunswick, Ontario and Saskatchewan. Ontario's legislation also requires police and other first responder organisations to develop PTSD prevention plans that focus on prevention, intervention, and return to work. Organisations are encouraged to develop anti-stigma policies and procedures, implement screening protocols and PTSD self-assessments, provide crisis response supports,

enhance access to mental health supports, and ensure appropriate accommodation for first responders returning to work after PTSD or another mental illness.¹

12. In **Namibia**, section 42(1) (b) of the Namibian Police Act, 1990 empowers the Minister to make regulations on the standards of physical and mental fitness and the medical examination of members and their families;

¹ An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to post traumatic stress disorder.

PART III

3.0 CONSIDERATION OF THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024 BY THE COMMITTEE

3.1 Public Participation

13. Article 118 (1) (b) of the Constitution of Kenya provides as follows—

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.”

14. Standing Order 127(3) provides that—

“The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

- (a) inviting submission of memoranda;*
- (b) holding public hearings;*
- (c) consulting relevant stakeholders in a sector; and*
- (d) consulting experts on technical subjects.*

15. Standing Order 127(3A) further provides that—

“The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.”

16. Pursuant to the aforementioned provisions of the Constitution and Standing Orders, the Committee through local daily newspapers of 12th June, 2024 published an advertisement inviting the public to submit memoranda on the Bill. The advertisement is annexed to this report as **Annexure 3**.

17. Further, vide a letter dated 12th August, 2024, the Committee invited stakeholders, to make submissions on the Bill. The meeting was held on 21st August, 2024 in Committee Room 18/19, 3rd floor, Bunge Tower, Parliament Buildings. Stakeholder submissions are annexed as **Annexure 4**.

3.2 Submissions on the Bill

18. The Committee received submissions through written memoranda and oral presentations from the following:

- (a) Hon. Peter Francis Masara, MP
- (b) Principal Secretary, State Department for Internal Security and National Administration, Ministry of Interior and National Administration;
- (c) The National Police Service (NPS);
- (d) The National Police Service Commission (NPSC);
- (e) The Independent Policing Oversight Authority (IPOA); and
- (f) National Association of Retired Police Officers of Kenya (NARPOK)

- (g) Kenya National Commission on Human Rights (KNCHR)
- (h) The Law Society of Kenya

3.2.1 Submission by Hon. Peter Francis Masara, MP

19. The Sponsor of the Bill, Hon. Peter Francis Masara, MP appeared before the Committee on 21st August, 2024. He submitted that the primary objective of the Bill is to make provisions for the mental wellness and well-being of police officers, including but not limited to the establishment of psychological support centres for police officers.

3.2.2 Submission by State Department for Internal Security and National Administration, Ministry of Interior and National Administration

20. The State Department was represented by the Secretary, Internal Security, Mr. Jacob Narengo MBS, who appeared before the Committee on 21st August, 2024. The Committee was informed that the National Police Service Commission is a constitutional Commission established under Article 246(1) of the Constitution. It took over, among other functions, the human resource management functions of the National Police Service that were previously being handled by the Public Service Commission.
21. Further, under Section 10(1)(a) of the National Police Service Commission Act, the Commission is empowered to develop and keep under review all matters relating to human resource policies for members of the National Police Service. Under Section 10(1)(c) of the Act, the Commission is also empowered to provide for the terms and conditions of employment for members of the Service.
22. The State Department supported the proposed amendments noting that they are essentially about the welfare of members of the Service, the improvement of which is within the mandate of the Commission and therefore, have a sound constitutional and statutory basis.
23. On the importance of the Bill, it is the State Department's position that the Bill is important for the following reasons:-
 - (a) Under Article 43(1) of the Constitution, every person has a right to the highest attainable standard of health which includes the right to healthcare services. The provision of mental health facilities to police officers is a constitutional imperative that the Government should protect; promote and fulfil;
 - (b) The realization of this right has been hampered by lack of an effective legislative framework. The Bill seeks to fill the gap;
 - (c) The stress and trauma experiences that police officers undergo while maintaining law and order often leave them with psychosocial and emotional scars that require healing. The Bill recognizes this and aims at providing the necessary support; and
 - (d) Cases of police officers being perpetrators of crime attributed to mental disorders have been reported in the press. This includes domestic violence, suicide and murder, therefore, providing mental health facilities to them will reduce such incidences.

24. In conclusion, it was submitted that the State Department for Internal Security and National Administration recognises the importance of providing police officers with mental health facilities and therefore supports the Bill.

3.2.3 The National Police Service (NPS)

25. The National Police Service was represented by the Acting Inspector General, Mr. Gilbert Masengeli, MBS, OGW, SS, who appeared before the Committee on 21st August, 2024. The National Police Service submitted that the nature of police work is such that most of the police officers join the service at a young age and get posted to far-flung areas away from home. They get detached from their homes, separated from their families and removed from their communities for a long time. Often, they retire to a solitary life back in their home areas with few or no friends. Their quality of life is compounded by loss of privileges, including medical care and minimal personal investment due to mobility of their working life. The Committee was informed that police work is often a source of severe trauma and stress and there have been many incidents of police officers committing suicide or using violence against others because of trauma and stress.

26. It was submitted that the National Police Service Commission has carried out several intervention measures, including the posting of trained counsellors at police regional headquarters, formations and units. A total of sixteen (16) counsellors and eleven (11) social workers are currently in deployment and are assisting officers in need. However, the number of counsellors posted is still inadequate. Currently, all National Police Service Officers are fully covered for psychosocial support services.

27. It was noted that the National Taskforce on Police Reforms, chaired by Justice Maraga, taking cognizant of the aforementioned facts, in their report recommended that mental health should be comprehensively covered by the medical insurance scheme and there should be full implementation of the NPSC Counselling Policy including the appointment of a wellness champion in every sub-county.

28. It was submitted by the National Police Service's that the proposals to amend the National Police Service Commission Act to provide for matters concerning mental health and well-being of police officers is in line with the National Taskforce on Police Reforms Taskforce Report.

Proposed amendments by the National Police Service

29. The National Police Service proposed an amendment of Section 10(1)(b) to read:

“determine the appropriate remunerations and benefits for the Service and staff of the Commission”

30. The rationale is that the Commission, being an independent institution and the employer of the members of the Service, has a legal duty to determine matters of their welfare and remuneration. Other institutions may only be involved as required in accordance with the provisions under Section 10(1)(d).

31. On a proposal of the National Police Service Commission to delete “consultation with Inspector General” from the Bill, with regards to providing police officers with mental health and wellness resources” the National Police Service submitted that the consultation with the Inspector General of Police was important to avoid the mischief of the Commission pushing up agendas that the Inspector General is not privy to.
32. The National Police Service supports the Bill with their proposed amendments.

Committee Observation

33. The Committee noted that the Salaries and Remuneration Commission established under Article 230(4)(b) of the Constitution has the mandate to advise the national and county governments on the remuneration and benefits of all other public officers. The Members of the Service and staff of the National Police Service Commission are public officers.

3.2.4 The National Police Service Commission (NPSC)

34. The Chief Executive Officer of the NPSC, Mr. Peter Leley, appeared before the Committee on 21st August, 2024 and informed the Committee that police officers in Kenya often face exhausting and dangerous work conditions, regularly encountering highly distressing situations that expose them to trauma daily. This exposure combined with the demands of family life and social expectations, can lead to debilitating stress, job burnout, anxiety, post trauma stress disorder (PTSD), depression and suicidal ideations.
35. In order to navigate these psychological challenges, the Chief Executive Officer informed the Committee that it is essential that police officers have access to counselling and psychosocial support services, which are vital for maintaining their well-being and enabling them to function optimally both professionally and personally.
36. In regard to the achievements of the Commission in counselling and psychosocial support, the Committee was informed that the Commission has made significant strides in enhancing the mental health and well-being of police officers through initiatives focused on counselling and psychosocial support. These accomplishments include:-

(a) Launching of the Counselling Policy:

37. In 2018, the Commission launched the National Police Service Psychological Counselling Policy to address the growing psychological needs of police officers due to challenging work conditions. The policy recognises the impact of long-term trauma exposure on officers and their families, emphasising the need for accessible counselling services.

(b) Staffing:

38. In 2021, the Commission hired sixteen (16) counsellors and eleven (11) social workers, raising the total number of the Counselling Unit staff to twenty-seven (27). These staff members were deployed across various regions and formations within the National Police Service (NPS) as part of the decentralisation of Human Capital Management (HCM) services. In 2023, the team was further expanded with the addition of eleven (11) more counsellors, bringing the total number of counselling staff to thirty-eight (38).

(c) Decentralization of Counselling Services:

39. In order to enhance access to mental health support, the Commission has implemented the decentralisation of counselling services. This strategic approach ensures that officers in different regions can obtain the necessary support, in accordance with Article 6 of the Constitution of Kenya, 2010, which requires reasonable access to services throughout the country.

(d) Toll-Free Counselling Line

40. The Commission has set up a toll-free line (0800721070) that provides round-the-clock access to counselling and psychosocial support services. This line offers immediate assistance to officers in emergencies and those who cannot attend in-person sessions.

(e) Partnerships for Resource Enhancement

41. Through strategic partnerships, the Commission has successfully addressed several key resource needs such as tele-counselling and psychological debriefing and team building. These initiatives reflect the Commission's commitment to fostering a supportive environment for police officers, ultimately enhancing their mental health and operational effectiveness. However, the counselling function is not explicitly outlined in the National Police Service Commission Act and this lack of clarity has resulted in challenges related to collaboration, delays in establishing devolved wellness centres, difficulties in recruiting counsellors, social workers and other specialists.
42. In the Commission's view, the proposed amendment of the National Police Service Commission Act will address these issues effectively. The proposed amendment will also strengthen the existing Commission Policy on Psychological Counselling Services within the National Police Service, as it is the statutory responsibility of the Commission to provide these essential welfare services as the employer of the members of the service.

Proposed Amendments by the National Police Service Commission

43. The National Police Service Commission proposed the following amendments to the Bill:

Section 2

Proposed Amendment: Insert the following new word in the definitions as defined in the Commission's Policy on psychological counselling service in the National Police Act, 2018

"Counselling" – a process where a person with difficulties is assisted to think through the problems and find a possible solution.

Justification: There is need to include "Counselling" in the definitions as psychosocial support excludes counselling as a critical component of mental health and as wellness management. It also provides a functional definition of the term.

Committee Observation

44. Counselling is a critical aspect of mental health and wellness management and it is important that it is specifically defined in law. There is also need to specifically include counselling as

a component of mental health and wellness resources. This is considering that the National Police Service Commission was already providing counselling services to police officers.

Section 3

Proposed Amendment: “Establish counselling and psychosocial support unit to oversee and formulate programs to promote the mental health and well-being of members of the service”.

Justification: This will enhance the provision of mental health services by establishing a “Counselling and Psychosocial Support Unit” to oversee and develop programs promoting the well-being of all members of the service, including civilian staff. This amendment is justified as it will improve the administration, coordination and implementation of mental health programs. Broadening the scope to include civilian staff within the service by replacing ‘police officer’ with ‘members of the service’ ensuring both uniformed and civilian members of the service are catered for.

Committee Observation

45. The Committee observed that a single unit established by the Commission dedicated to the mental well-being of the police officers would provide better coordination. There is also need to ensure that the services offered by the counselling and psychosocial support unit are reasonably accessible in all parts of Kenya so far as possible, as required by Article 6(3) of the Constitution. The Inclusion of the members of the service would also cater for civilian members of the service who are crucial to the work of the police.

Section 4

Proposed Amendment: Delete “in consultation with the Inspector General”.

Justification: Article 246(2)(b) of the Constitution outlines the composition of the National Police Service Commission to include the Inspector-General. Given that the Inspector-General is a member of the Commission, decisions made by the Commission are inherently considered to be inclusive of the Inspector-General’s input and perspective. The term “in consultation with the Inspector General” is redundant, as the Inspector General is a substantive member of the Commission.

Committee Observation

46. The Committee observed that while it is true the Inspector General is a member of the National Police Service Commission; the Inspector General of Police exercises independent command over the National Police Service pursuant to Article 245 (2) (b). It is therefore critical that the Inspector General is consulted in matters regarding the establishment of psychosocial centers.

Section 4

Proposed Amendment: Introduce paragraph 12 (A)(b)

“Establish integrated wellness centres for the provision of referral, training and research on psychosocial issues affecting members of the service”.

Justification: Establishing integrated wellness centres as referral hubs will enhance mental health care for service members by providing specialized treatment, ongoing training and conducting research on psychological issues. These centres will ensure timely access to care,

build a resilient workforce through targeted training and develop evidence-based practices. Decentralising these centres across regions will improve accessibility and provide comprehensive support leading to better overall well-being and performance among officers and staff.

Committee Observation

47. The Committee observed that the proposed amendment unreasonably or unduly expands the subject of the Bill contrary to Standing Order 133(5) of the National Assembly Standing Orders.

3.2.5 The Independent Policing Oversight Authority (IPOA)

48. The Authority was represented by Ms. Doreen Muthaura, a Commissioner who appeared before the Committee on 21st August, 2024. She submitted that in 2021, IPOA undertook a comprehensive research study titled "*Murders and Suicides in the National Police Service: An Analysis on Causes and Prevention Strategies.*" This study provided a detailed examination of the mental health challenges faced by police officers, identifying key factors contributing to the alarming rates of suicide and murder within the service. The findings of this study highlighted several critical issues, including:

- (a) Psychological stress, which usually leads to poor mental health;
- (b) Easy access to firearms;
- (c) Nature of Police Recruitment and Training;
- (d) Discrimination and unfair treatment by Supervisors;
- (e) Involvement in misconducts and criminal activities by Police Officers; and
- (f) Police officers' culture towards psychological illnesses.

49. The study recommended the following as prevention strategies:

- (a) Administer psychological tests to determine the state of officer's mental health during the recruitment process as some officers may have had psychological illnesses before joining the Police Service;
- (b) Regularly review the Police Training Curriculum to focus on modern day Policing environment and challenges, with the training having a mix of both hard and soft skills such as interpersonal skills, communication, public relations and relationships;
- (c) Fast-track the implementation of the NPS Psychological Counselling Policy (2018) to provide psychologists and psychological counsellors to Police officers at the Police Station level and any other officers in the Service;
- (d) Enhance staff capacity to afford officers manageable work shifts for officers to work for eight hours and accord them time to rest before resuming their next shift;
- (e) Have a firm and apt strategy for dealing with officers involved in crime, indiscipline and misconduct to send a clear message that the Service is committed to dealing with indiscipline and not just transfers of such cases;
- (f) Facilitate Officers to undergo training on trauma resilience to prepare officers psychologically when faced with traumatic or anxious situations while in the line of duty;
- (g) Facilitate Mental Health Sensitization forums in the Service in partnership with the Ministry of Health and other non-state players in the health sector to make the officers aware of mental health issues;

- (h) Improve and modernise the welfare of Police officers including improved remuneration, applicable allowances, modern equipment and facilities, conducive work environment as well as impartial treatment of officers by their seniors;
- (i) Appoint and train peer support counsellors from within the Service to support their peers in case they have stress or trauma issues especially where opening up to other quarters seems difficult;
- (j) Extend the Police Medical Insurance to cover mental related illnesses and conditions including rehabilitation of serving officers and Police officers' dependants to ease medical costs burdens to the officers;
- (k) The Internal Affairs Unit of the NPS to implement its mandate as per section 87 of the National Police Service Act and in accordance with Article 247 of the constitution, including coming up with the best practices and standards in the Service and dealing with cases of indiscipline;
- (l) Ensure controlled issue of firearms to officers suspected of mental illness or psychological disorders with Police commanders applying informed judgment when issuing firearms to officers who are suspected to be suffering from a mental disorder; and
- (m) Communication and feedback from supervisors to junior officers and vice versa needs to be enriched for effective and efficient policing, improved coordination, relationships and accountability, and especially at the station levels where people centred service delivery is anchored.

50. Regarding the Bill, the Authority submitted that the Bill seeks to introduce provisions for the mental wellness and well-being of police officers, including the establishment of psychosocial support centres. The establishment of psychosocial support centers as proposed in the Bill will provide police officers with access to professional mental health services, which are crucial for managing stress, preventing burnout and reducing the rates of suicide and violence within the service. Furthermore, this initiative will help to destigmatize mental health issues among officers, encouraging them to seek help and fostering a more supportive and healthy work environment.

51. The Authority strongly supports this legislative initiative as a necessary and timely intervention to address the mental health challenges within the National Police Service. The proposed amendments in the Bill are in tandem with the recommendations of the Authority in the aforementioned report on murders and suicides.

52. In addition, the Authority noted that there is a grave need for the National Police Service (NPS) and the National Police Service Commission (NPSC) to take administrative measures to address the causes of mental health problems in the Service. In its report on Murders and Suicide, the Authority made several recommendations as set out above that would ameliorate the current mental health situation in the Service. The Authority noted that most of those recommendations only require administrative action by both the NPS and the NPSC. For instance, ensuring manageable work shifts for officers to work for eight hours and accord them time to rest before resuming their next shift, facilitating officers to undergo training on trauma resilience to prepare officers psychologically when faced with traumatic or anxious situations while in the line of duty, ensuring controlled issue of firearms to officers suspected of mental illness and improving communication and feedback between supervisors and junior

officers, amongst others. Therefore, in addition to the current proposed legislative changes to the NPSC Act, the NPS and NPSC should implement recommendations by the Authority contained in the report on Murders and Suicide in the Service.

53. On the highlights of the Bill, the Authority submitted that it contains many positive proposals that if adopted will ensure prioritisation of the mental wellness of police officers which will not only enhance their overall wellbeing but also improve the effectiveness and professionalism of the National Police Service. Some of the key positive proposals are as follows;

- (a) Firstly, the proposed amendments to the Bill to formally introduce the concept of psychosocial support into the legal framework governing the welfare and operations of police officers. This move is part of a broader effort to prioritise the mental wellness and overall well-being of officers, ensuring that they are adequately supported in their challenging roles. The proposal by the draft bill is therefore timely and is in tandem with the Authority's recommendation for psychosocial support.
- (b) Secondly, the proposal to introduce the term wellness which has been defined as the practice of healthy habits regularly to attain better physical and mental health outcomes, reflects a holistic approach to the well-being of police officers, acknowledging the importance of both physical and mental health in their daily lives and professional duties.
- (c) Thirdly, the proposal to have the amendment to Section 10(1) of the National Police Service Commission Act with the introduction of a new provision that reads "*establish psychosocial units and formulate programs to promote the mental health and wellbeing of police officers*" goes ahead to enhance the wellbeing of police officers, improving their performance, and ultimately contributing to a more effective and resilient police force.
- (d) Fourthly, the proposal to have the insertion of a new section 12(A) is a comprehensive approach to supporting the mental health and wellness of police officers, legally mandating the provision of resources and the establishment of psychosocial support centers. This amendment will enhance the overall effectiveness, resilience, and sustainability of the National Police Service, while fostering a culture of wellness that benefits both officers and the communities they serve.

Proposed amendments by the Independent Policing Oversight Authority

54. To further build on the proposals made in the draft Bill that seek to make provision for the mental wellness and wellbeing of police officers, IPOA made an additional proposal on insertion of a new provision under Section 10(1)(q) of the National Police Service Act as follows:

"Administer psychological tests to determine the state of officer's mental health during the recruitment process for members of the Service."

55. This proposed amendment will ensure that the recruitment process for members of the service includes a comprehensive evaluation of mental health which not only protects the well-being of the members of the service but also enhances the safety and security of the Kenyan public.

Committee observation

56. The requirements of recruitment of members of the service is a procedural requirement more comprehensively covered under the National Police Service Commission (Recruitment and Appointment) Regulations and Chapter Sixty of the National Police Service Standing Orders. Regulation 9 and Standing Order 5(e) require all candidates to be physically and medically fit. Additionally, Regulation 10(3)(d), the second phase of the recruitment process involves physical, aptitude and medical assessments.

Section 2

Proposed Amendment: The proposal is to add two new definitions as follows:

- i. *“Psychosocial support” means the attention given to a person relating to the interrelation of social factors and individual thought and behaviour based on their mental state; and*
- ii. *“Wellness” means practising healthy habits regularly to attain better physical and mental health outcomes.*

Justification: The proposal to have the two new definitions is a commendable and forward-thinking initiative as it recognises a holistic approach to well-being. The same is also in tandem with the provisions of Article 43(1)(a) of the Constitution of Kenya, 2010 and Section 2B(a) of the Mental Health Act, Cap 248 Laws of Kenya.

Section 10

Proposed Amendment: The Bill seeks to add a new subsection, immediately after Section 10(1)(q) to provide; (qa) establish psychosocial units and formulate programs to promote the mental health and well-being of police officers.

The Authority proposed that the proposal be retained with amendments to include consultation with the Inspector General and Kenya Board of Mental Health; The provision to read;

(qa) in consultation with the Inspector General and the Kenya Board of Mental Health establish psychosocial units and formulate programs to promote the mental health and well-being of police officers.

Justification: The proposed amendment will;

- (i) Help deal with occupational stress and mental health challenges;
 - (ii) Aid in improved service delivery and public safety;
 - (iii) Reduction of stigma and encouragement of help seeking behavior; and
 - (iv) The proposed amendment is also in tandem with the objectives of the Bill as well as the provisions of Article 43(1)(a) of the Constitution of Kenya, 2010 and Section 2B(a) and 3A (1) of the Mental Health Act, Cap 248 Laws of Kenya. It is also in line with IPOA’s recommendations in its report on Murders and Suicide in the NPS.
57. Further, there is a need for consultation between the NPSC and the Inspector General in establishing the units and formulating mental health programs for members of the service.

The proposed section 12 A in the Bill already envisages the need for consultation between the NPSC the IG and this should be reflected even in the proposed section 10 (1) (q).

58. In addition, the Mental Health Act, Cap 248, in section 4 establishes the Kenya Board of Mental Health. The Board is mandated under section 5 of the Act to *inter alia* advise the National government and county governments on the most appropriate strategies and programmes for the care of persons with mental illness and the effective delivery of mental health care services at the national and county levels of government. The Board is also mandated to set standards for the establishment of mental health units. Consequently, consultation with the Board will be important in ensuring proper standards are maintained in the provision of mental health and wellness to police officers.

Committee Observation

59. The Committee noted that having proposed to amend the proposed subsection 10(1) (qa) to establish a single unit within the Commission, the Commission would be at liberty to cooperate or consult any state agencies, departments or commissions on the functions relating to psychosocial support.

Section 12(A)

Proposed Amendments: The Bill proposes insertion of a new section, 12(A) to provide:

12(A) Pursuant to section 12, the Commission, in consultation with the Inspector General, shall –

- (a) Provide police officers with mental health and wellness resources; and*
- (b) In every county, establish well equipped centres in offices, camps, training colleges and communities for police officers to receive psychosocial support.*

60. The Authority proposed that the clause be retained with amendment to include consultation with the Kenya Board of Mental Health. The provision to read;

12(A) Pursuant to section 12, the Commission, in consultation with the Inspector General and the Kenya Board of Mental health shall –

- (a) Provide police officers with mental health and wellness resources; and*
- (b) In every county, establish well equipped centres in offices, camps, training colleges and communities for police officers to receive psychosocial support.*

Justification: The proposed amendment seeks to obligate the Commission to ensure creation of psychosocial and wellness infrastructure in order for members of the service to receive psychosocial support. The proposed amendment is in tandem with the objectives of the Bill as well as the provisions of Article 6(3), Article 28, Article 43(1)(a) of the Constitution of Kenya, 2010 and Section 2B(a) and 3A (1) of the Mental Health Act, Cap 248 Laws of Kenya. It is also in line with IPOA's recommendations in its report on Murders and Suicide in the NPS.

61. The Mental Health Act, Cap 248, in section 4, establishes the Kenya Board of Mental Health. The Board is mandated under section 5 of the Act to *inter alia* advise the National government and county governments on the most appropriate strategies and programmes for the care of

persons with mental illness and the effective delivery of mental health care services at the national and county levels of government. The Board is also mandated to set standards for the establishment of mental health units. Consequently, consultation with the Board will be important in ensuring proper standards are maintained in the provision of mental health and wellness to police officers.

Committee Observation

62. The Committee noted that Section 10(1)(d) of the National Police Service Commission Act already empowers the Commission to co-operate with other State agencies, departments or commissions on any matter that the Commission considers necessary. The Commission may therefore consult the Kenya Board of Mental health when necessary.

3.2.6 National Association of Retired Police Officers of Kenya (NARPOK)

63. The Assistant Secretary General, Mr. Shariff Abdallah, OGW appeared before the Committee on 21st August, 2024 and submitted that members of NARPOK fully understand the strenuous conditions under which police work and risks involved.
64. In regards to the importance of psychosocial and wellness of the officers, NARPOK supports the amendments of Section 2 by insertion of psychosocial support and wellness of the officers and recommended the following:
- (a) The National Police Service Commission and the National Police Service should prioritise work-life balance and financial wellness for serving officers to mitigate the effects of stress, long working hours and financial strain;
 - (b) Service Commanders play proactive roles in facilitating access to psychosocial supports and wellness services at recognized institutions ensuring officers in active service receive the necessary supports and services;
 - (c) Come out clear in the National Police Service Standing Orders with guidelines on psychosocial support and wellness practices during and beyond police careers, providing officers with a structured framework for accessing mental health, financial wellness and other support services; and
 - (d) Definition of “wellness” to include health and financial wellness.
65. In regards to the proposed amendments to Section 10, NARPOK acknowledged and supported provisions of Section 10 of the Bill and recommended the proposed amendments thereof. However, discipline, transfers and promotions of officers are areas of concern.
66. In regards to the proposed amendments to Section 12 of the Bill, NARPOK acknowledged and supports the proposed amendment which empowers the Commission to ensure and enhance standard of quality service delivery, professionalism and good public relations amongst the services and the public.
67. NARPOK fully supported the amendments, proposed amendments and the recommendations according to the amendment Bill and proposed recommendations from the organization. NARPOK would therefore recommend that NPSC in collaboration with NPS to mitigate for

psychosocial support and physical well being of officers not only during their active service but also in their retirements.

Committee Observation

68. The Committee observed that the mandate of the Commission only covers active members of the service and does not extend to retired officers. Nevertheless, retired officers are represented in the Commission under the provisions of Article 246(2)(a)(ii).

3.2.7. Kenya National Commission on Human Rights (KNCHR)

69. The Commission submitted that it appreciates and supports the introduction of the bill proposing the inclusion of clauses on mental health support for police officers. The Commission noted that the Bill represents a commendable step towards addressing a critical, yet often overlooked, aspect of law enforcement — the mental health and psychosocial well-being of officers. It noted that police officers face significant stressors in their daily duties, including exposure to traumatic events, high-pressure situations, and challenging work environments. These factors can take a considerable toll on their mental health, potentially impacting their overall effectiveness, well-being, and the quality of their interactions with the community.
70. KNCHR submitted that it recognised that the integration of mental health support into police services is crucial not only for the officers' health but also for enhancing public trust and ensuring effective law enforcement. The inclusion of such support mechanisms will help improve officers' well-being by preventing the development of more severe psychological conditions and provide officers with the tools they need to manage stress and trauma effectively; enhance job performance which in turn positively impacts the quality of policing and; Strengthen community relations.

Proposed Amendments by Kenya National Commission on Human Rights

Section 2

Proposed Amendment: Amend the definition of **'Psychosocial Support'** to read 'psychosocial support' refers to any type of intervention(s) that aims to protect or promote mental well-being, prevent or treat mental health conditions.'

Justification: The proposed definition under the Act is too technical and general. The proposed definition aligns with the internationally accepted definition adopted by the United Nations.

Committee Observation

71. The United Nations Inter-Agency Standing Committee defines psychosocial support as any type of local or outside support that aims to protect or promote psychosocial well-being and/or prevent or treat mental. The definition proposed by the Commission is clearer and less technical.

Section 4

Proposed Amendment: Amend Clause 12(A)(a) to read “Shall ensure the integration of Psychosocial and mental wellness resource into the overall health services scheme for police officers.

Justification: As currently drafted, the ‘**provision of mental wellness resources**’ is quite vague and can be interpreted in various ways. The Act needs to be very specific on the resources being offered to the officers under the Act to ensure that mental health support promotes a holistic approach to their well-being.

Proposed Amendment: Amend Clause 12(A) by inserting Clause 12(A)(c) to read “Develop Training and Awareness programs for officers and their supervisors on recognizing signs of mental distress and understanding the available support resources.

Justification: There is need for structured awareness programs on mental health for police officers.

Committee Observation

72. The Committee noted that it had already proposed to amend clause 12A to specifically include counselling as an element of mental health and wellness. The inclusion of this provision would therefore ensure that police officers have access to a wide range of mental health resources.

The Law Society of Kenya (LSK)

73. The Law Society of Kenya submitted that the Bill aligns with Article 43 of the Constitution which guarantees the right to the highest attainable standard of health, including mental health. They noted that police officers’ mental wellness is crucial taking, into consideration the sensitive nature of the work the police perform in promoting public safety. They noted the positive impact of the National Police Wellbeing Service in the United Kingdom and acknowledged that the Bill is a timely intervention for the police.

Proposed Amendments by the Law Society of Kenya

Section 3

The Law Society of Kenya did not oppose the amendment but proposed that the word “psychosocial units” be defined.

Justification; The word has been introduced and used without a definition and that it is necessary to define the word to eliminate any potential ambiguity.

Committee Observation

74. The Committee noted that the term “unit” when used in police services often means a group of police officers tasked with a specific role within the service. Having proposed that the proposed paragraph 10(1) (qa) be amended to establish a single unit the Commission will inform itself in such manner as it thinks fit on the working of the unit. Further, Pursuant to section 10 (1) (h) the function of organising the Service at national level into various formations, units or components belong to the Inspector General of Police.

PART IV

4.0 COMMITTEE OBSERVATIONS


Upon consideration of the Bill, the Committee observed the following:

- (a) The Bill seeks to give effect to part of the recommendations of the reports of various taskforces and studies that have to look into police reforms. These include the Mental Health Task Force Report, 2020, the *"Murders and Suicides in the National Police Service: An Analysis on Causes and Prevention Strategies"* by the Independent Policing Oversight Authority and the Report of the National Taskforce on Police Reforms
- (b) Pursuant to the mandate of the Committee and the requirements of Article 118 of the Constitution and Standing Order 127(3), the Committee is at liberty to propose necessary amendments to the Bill in its report to the House.
- (c) The Committee received eight memoranda during public participation. All memoranda supported the enactment of the Bill, out of which six proposed amendments to the Bill, as contained in part III of this report.

PART V

5.0 COMMITTEE RECOMMENDATIONS

The Committee, having considered the National Police Service Commission (Amendment) Bill (National Assembly Bills No. 23 of 2024) recommends that the House approves the Bill with the amendments contained in the SCHEDULE OF AMENDMENTS forming PART SIX of this report.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 09 OCT 2024	
	DAY.
TABLED BY:	
CLERK-AT THE-TABLE:	

PART VI

6.0 SCHEDULE OF PROPOSED AMENDMENTS

In view of the observations made, the Committee proposed the following amendments to the Bill—

CLAUSE 2

THAT Clause 2 of the Bill is amended—

- (a) by deleting the definition of “psychosocial support” and substituting therefor the following new definition—

“psychosocial support” means a type of intervention that aims to protect or promote mental well-being, prevent or treat mental health conditions.

- (b) by inserting the following new definition—

“counselling” means a process where a person with difficulties is assisted to think through the problems and find a possible solution.

Justification

The proposed definition of the term psychosocial support aligns with the United Nations Inter-Agency Standing Committee. It is clearer and less technical. Further, counselling is a critical aspect of mental health and wellness management and it is important that it is specifically defined in law.

CLAUSE 3

THAT Clause 3 of the Bill is amended by deleting the proposed new paragraph (qa) and substituting therefor the following paragraph—

- (qa) establish a counselling and psychosocial support unit to oversee and formulate programs to promote the mental health and wellbeing of members of the service.

Provided that the Commission shall ensure that the unit is devolved to each county police headquarters.

Justification


A single unit established by the Commission dedicated to the mental well-being of the police officers would provide better coordination. There is also need to ensure that that the services offered by the psychosocial unit are reasonably accessible in all parts of Kenya so far as its possible, as required by Article 6(3) of the Constitution. The Inclusion of the members of the service would also cater for civilian members of the service who are crucial to the work of the police.

CLAUSE 4

THAT Clause 4 of the Bill is amended in the proposed new section 12A by inserting the words “including counselling” immediately after the words “wellness resources” appearing in paragraph (a).

Justification

There is need to specifically include counselling as a component of mental health and wellness resources, considering that the National Police service Commission already provides counselling services members of the service.

SIGN  DATE 09/10/2024

HON. GABRIEL TONGOYO, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY





THE NATIONAL ASSEMBLY
13TH PARLIAMENT – THIRD SESSION (2024)
COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ADOPTION LIST OF THE

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY ON THE ADOPTION OF THE REPORT ON THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENTS) BILL, 2024(NATIONAL ASSEMBLY BILL NO.23) BY HON. (DR.) PETER FRANCIS MASARA, MP

We, the undersigned Members of the Departmental Committee on Administration and Internal Security do hereby append our signatures to adopt this Report

Date: 07/10/2024

No.	MEMBER	SIGNATURE
1.	Hon. Gabriel Koshal Tongoyo, MP - Chairperson	
2.	Hon. Col (Rtd) Dido Rasso, MBS, MP - Vice Chairperson	
3.	Hon. Kaluma George Peter, MP	
4.	Hon. Fred C. Kapondi, MP	
5.	Hon. Aduma Owuor, MP	
6.	Hon. Sarah Paulata Korere, MP	
7.	Hon. Liza Chepkorir Chelule, MP	
8.	Hon. Mburu Kahangara, MP	
9.	Hon. Protus Ewesit Akujah, MP	
10.	Hon. Oku Kaunya, MP	
11.	Hon. Rozaah Akinyi Buyu, MP	
12.	Hon. Francis Kipyegon Sigei, EBS, MP	
13.	Hon. Fatuma Abdi Jehow, MP	
14.	Hon. Caroline Jeptoo Ng'elechei, MP	
15.	Hon. Hussein Weytan Mohammed, MP	

MINUTES OF THE 80TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY HELD ON TUESDAY, 1ST SEPTEMBER, 2024 IN COMMITTEE ROOM 22, BUNGE TOWER, PARLIAMENT BUILDINGS AT 10.00AM.

PRESENT

1. **Hon. Col (Rtd) Dido Rasso, MBS, MP** - Vice Chairperson
2. Hon. Fred C. Kapondi, MP
3. Hon. Aduma Owuor, MP
4. Hon. Sarah Paulata Korere, MP
5. Hon. Protus Ewesit Akujah, MP
6. Hon. Rozaah Akinyi Buyu, MP
7. Hon. Amb. Francis Kipyegon Sigei, **EBS**, MP
8. Hon. Hussein Weytan Mohammed, MP
9. Hon. Caroline Jeptoo Ng'elechei, MP

ABSENT WITH APOLOGY

1. **Hon. Gabriel Koshal Tongoyo, MP** - Chairperson
2. Hon. Kaluma George Peter, MP
3. Hon. Liza Chepkorir Chelule, MP
4. Hon. Mburu Kahangara, MP
5. Hon. Oku Kaunya, MP
6. Hon. Fatuma Abdi Jehow, MP

IN-ATTENDANCE

COMMITTEE SECRETARIAT

1. Mr. John Mugoma - Clerk Assistant I
2. Ms. Grace Wahu - Clerk Assistant II
3. Mr. Gideon Kipkoech - Clerk Assistant II
4. Ms. Judith Kanyoko -Legal Counsel
5. Ms. Delvin Onyancha -Research Officer II
6. Ms. Ivy Maritim -Media Relation Officer
7. Mr. Benson Kimanzi - Serjeant-At-Arms
8. Mr. Rodgers Kilungya - Audio Officer

AGENDA

1. Prayers;
2. Preliminaries;
 - i. Introductions;
 - ii. Adoption of the Agenda;
 - iii. Communication from the Chairperson;
 - iv. Confirmation of Minutes of previous Sittings.
3. **Consideration and Adoption of The Report on National Police Service Commission (Amendments) Bill, 2024(National Assembly Bill No.23) by Hon.(Dr.)Peter Masara, MP.**
4. Any Other Business; and
5. Adjournment.

MIN./NO./DC-AIS/2024/399: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson, Hon. Gabriel Tongoyo, M.P called the meeting to order at 10.30 am. and said a prayer. The agenda of the meeting was adopted having been proposed by Hon. Fred C. Kapondi, MP and seconded by Hon. Amb. Francis Kipyegon Sigei, **EBS**, MP.

MIN./NO./DC-AIS/2024/400: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

The confirmation of Minutes was deferred to a later date.

MIN./NO./DC-AIS/2024/401: CONSIDERATION AND ADOPTION OF THE REPORT ON NATIONAL POLICE SERVICE COMMISSION (AMENDMENTS) BILL, 2024(NATIONAL ASSEMBLY BILL NO.23) BY HON.(DR.)PETER MASARA, MP.

COMMITTEE OBSERVATIONS

Upon consideration of the Bill, the Committee observed the following:

- (a) The Bill seeks to give effect to part of the recommendations of the reports of various taskforces and studies that have to look into police reforms. These include the Mental Health Task Force Report, 2020, the "*Murders and Suicides in the National Police Service: An Analysis on Causes and Prevention Strategies*" by the Independent Policing Oversight Authority and the Report of the National Taskforce on Police Reforms
- (b) Pursuant to the mandate of the Committee and the requirements of Article 118 of the Constitution and Standing Order 127(3), the Committee is at liberty to propose necessary amendments to the Bill in its report to the House.
- (c) The Committee received eight memoranda during public participation. All memoranda supported the enactment of the Bill, out of which six proposed amendments to the Bill, as contained in part III of this report.

COMMITTEE RECOMMENDATIONS

The Committee, having considered the National Police Service Commission (Amendment) Bill (National Assembly Bills No. 23 of 2024) recommends that the House approves the Bill with the amendments contained in the SCHEDULE OF AMENDMENTS forming PART SIX of this report.

SCHEDULE OF PROPOSED AMENDMENTS

In view of the observations made, the Committee proposed the following amendments to the Bill—

CLAUSE 2

THAT Clause 2 of the Bill is amended—

- (a) by deleting the definition of “psychosocial support” and substituting therefor the following new definition—

“psychosocial support” means a type of intervention that aims to protect or promote mental well-being, prevent or treat mental health conditions.

- (b) by inserting the following new definition—

“counselling” means a process where a person with difficulties is assisted to think through the problems and find a possible solution.

Justification

The proposed definition of the term psychosocial support aligns with the United Nations Inter-Agency Standing Committee. It is clearer and less technical. Further, counselling is a critical aspect of mental health and wellness management and it is important that it is specifically defined in law.

CLAUSE 3

THAT Clause 3 of the Bill is amended by deleting the proposed new paragraph (qa) and substituting therefor the following paragraph—

(qa) establish a counselling and psychosocial support unit to oversee and formulate programs to promote the mental health and wellbeing of members of the service.

Provided that the Commission shall ensure that the unit is devolved to each county police headquarters.

Justification

A single unit established by the Commission dedicated to the mental well-being of the police officers would provide better coordination. There is also need to ensure that that the services offered by the psychosocial unit are reasonably accessible in all parts of Kenya so far as its possible, as required by Article 6(3) of the Constitution. The Inclusion of the members of the service would also cater for civilian members of the service who are crucial to the work of the police.

CLAUSE 4

THAT Clause 4 of the Bill is amended in the proposed new section 12A by inserting the words “including counselling” immediately after the words “wellness resources” appearing in paragraph (a).

Justification

There is need to specifically include counselling as a component of mental health and wellness resources, considering that the National Police service Commission already provides counselling services members of the service.

MIN./NO./DC-AIS/2024/402: ANY OTHER BUSINESS

No Any Other Business Arose

MIN./NO./DC-AIS/2024/403 : ADJOURNMENT

There being no any other business, the meeting was adjourned at 11.30 am. The next meeting will be held on notice.

SIGNED  DATE 09/10/2024

**HON. GABRIEL TONGOYO, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON ADMINISTRATION & INTERNAL SECURITY**



KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

**ADVISORY ON THE NATIONAL POLICE SERVICE COMMISSION
(AMENDMENT BILL), 2024**

SUBMITTED TO
NATIONAL ASSEMBLY
**DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL
SECURITY**

DATE: 20TH AUGUST 2024.

Kenya National Commission on Human Rights (KNCHR)
1st Floor, CVS Plaza, Lenana Road
P.O. Box 74359-00200, NAIROBI, KENYA
Tel: 254-20-3969000.
Website: www.knchr.org Email: haki@knchr.org

A. INTRODUCTION

1. The Kenya National Commission on Human Rights (“KNCHR” or “National Commission”) is an independent National Human Rights Institution established under **Article 59** of the Constitution with a broad mandate to promote a culture of respect for human rights in the Republic of Kenya. The operations of the Commission are guided by the KNCHR Act and the United Nations *Paris Principles* on establishing and functioning independent National Human Rights Institutions (NHRIs) commonly referred to as the Paris Principles. KNCHR enjoys an “A” status accreditation.
2. The National Commission under **Article 249** of the Constitution has a mandate to secure observance of all state organs of democratic values and principles and to promote constitutionalism. **Article 10** of the Constitution requires all state organs to uphold Constitutionalism and the rule of law whenever they make public policy decisions or interpret the Constitution. One of the strategies pursued by the Commission to secure observance of all state organs of democratic values and principles is through human rights monitoring, review of new and existing laws and policies, and the issuance of advisories informed by the KNCHR’s analysis.
3. Reference is made to your letter reference number **NA/DDC/AIS/2024/116**, dated **12th August 2024** calling for KNCHR’s submission of comments on ‘*The National Police Service Commission (Amendment Bill), 2024.*’
4. In this regard, KNCHR’s advisory has three parts; Section A covers preliminary introduction, Section B provides General observations and recommendations; while specific comments/observations on particular clauses of The National Police Service Commission (Amendment Bill), 2024 are detailed in Section C.

B. GENERAL COMMENTS

5. KNCHR appreciates and supports the introduction of the bill proposing the inclusion of clauses on mental health support for police officers. This bill represents a commendable step towards addressing a critical, yet often overlooked, aspect of law enforcement — the mental health and psychosocial well-being of officers. Police officers face significant stressors in their daily duties, including exposure to traumatic events, high-pressure situations, and challenging work environments. These factors can take a considerable toll on their mental health, potentially impacting their overall effectiveness, well-being, and the quality of their interactions with the community.
6. KNCHR recognizes that the integration of mental health support into police services is crucial not only for the officers' health but also for enhancing public trust and ensuring effective law enforcement. The inclusion of such support mechanisms will help improve officers' well-

being by preventing the development of more severe psychological conditions and provide officers with the tools they need to manage stress and trauma effectively; enhance job performance which in turn positively impacts the quality of policing and; Strengthen community relations.

7. In conclusion, KNCHR supports the bill's objectives and looks forward to contributing to the development of detailed provisions that will effectively address the mental health needs of police officers. We believe that with the right framework in place, this initiative will lead to a healthier, more resilient police force and a more effective law enforcement system.

C. SPECIFIC COMMENTS

i. The National Correctional Services Policy

No.	Clause & Title	Proposed recommendation	Justification
1.	Section 2 of the Bill which proposes Amendment of Section 2 of No. 30 of 2011	Amend the definition of 'Psychosocial Support' to read ' psychosocial support' refers to any type of intervention(s) that aims to protect or promote mental well-being, prevent or treat mental health conditions. '	The proposed definition under the Act is too technical and general. The proposed definition aligns with the internationally accepted definition adopted by the United Nations.
2.	Section 4 of the Bill which proposes insertion of a new section 12A in No. 30 of 2011	Amend Clause 12(A)(a) to read "Shall ensure the integration of Psychosocial and mental wellness resource into the overall Health services scheme for police officers.	As currently drafted, the ' provision of mental wellness resources ' is quite vague and can be interpreted in various ways. The Act needs to be very specific on the resource being offered to the officers under the Act to ensure that mental health support promotes a holistic approach to their well-being.
		Amend Clause 12(A) by inserting Clause 12(A)(c) to read "Develop Training and Awareness programs for officers and their supervisors on recognizing signs of mental distress and understanding the available support resources.	There is need for structured awareness programs on mental health for police officers.

+++++THE END+++++



MEMORANDUM TO THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
INTERNAL SECURITY IN THE MATTER OF THE NATIONAL POLICE SERVICE COMMISSION
(AMENDMENT) BILL, 2024.

Background

The Authority is established pursuant to the Independent Policing Oversight Authority Act, Cap 86 Laws of Kenya ("IPOA Act). Section 5 of the Act sets out the objectives of IPOA:-

(a) hold the Police accountable to the public in the performance of their functions;

(b) give effect to the provision of Article 244 of the Constitution that the Police shall strive for professionalism and discipline and shall promote and practice transparency and accountability; and

(c) ensure independent oversight of the handling of complaints by the Service

In realization of that mandate as part of its functions under section 6 of the Act, the Authority is mandated to monitor policing operations and review patterns of police misconduct. The Authority has therefore consistently researched issues affecting the welfare and operational efficiency of police officers.

In 2021, IPOA undertook a comprehensive research study titled "*Murders and Suicides in the National Police Service: An Analysis on Causes and Prevention Strategies.*" This study provided a detailed examination of the mental health challenges faced by police officers, identifying key factors contributing to the alarming rates of suicide and murder within the service. The findings of this study highlighted several critical issues, including:

- 1) Psychological stress which usually leads to poor mental health;
- 2) Easy access to firearms;
- 3) Nature of Police Recruitment and Training;
- 4) Discrimination and unfair treatment by Supervisors;
- 5) Involvement in misconducts and criminal activities by Police Officers; and
- 6) Police officers culture towards psychological illnesses.

The study recommended the following as prevention strategies:

1. Administer psychological tests to determine the state of officer's mental health during the recruitment process as some officers may have had psychological illnesses before joining the Police Service;
2. Regularly review the Police Training Curriculum to focus on modern day Policing environment and challenges, with the training having a mix of both hard and soft skills such as interpersonal skills, communication, public relations and relationships;
3. Fast-track the implementation of the NPS Psychological Counselling Policy (2018) to provide psychologists and psychological counsellors to Police officers at the Police Station level and any other officers in the Service;
4. Enhance staff capacity to afford officers manageable work shifts for officers to work for eight hours and accord them time to rest before resuming their next shift;
5. Have a firm and apt strategy of dealing with officers involved in crime, indiscipline and misconducts to send clear message that the Service is committed to dealing with indiscipline and not just transfers of such cases;
6. Facilitate Officers to undergo training on trauma resilience to prepare officers psychologically when faced with traumatic or anxious situations while in line of duty;
7. Facilitate Mental Health Sensitization forums in the Service in partnership with the Ministry of Health and other non-state players in the health sector to make the officers aware of mental health issues;
8. Improve and modernise the welfare of Police officers including improved remuneration, applicable allowances, modern equipment and facilities, conducive work environment as well as impartial treatment of officers by their seniors;
9. Appoint and train peer support counsellors from within the Service to support their peers in case they have stress or trauma issues especially where opening up to other quarters seems difficult;
10. Extend the Police Medical Insurance to cover mental related illnesses and conditions including rehabilitation of serving officers and Police officers' dependants to ease medical costs burdens to the officers;
11. The Internal Affairs Unit of the NPS to implement its mandate as per section 87 of the National Police Service Act and in accordance with Article 247 of the constitution, including coming up with the best practices and standards in the Service, and dealing with cases of indiscipline;
12. Ensure controlled issue of firearms to officers suspected of mental illness or psychological disorders with Police commanders applying informed judgment when

issuing firearms to officers who are suspected to be suffering from a mental disorder; and

13. Communication and feedback from supervisors to junior officers and vice versa needs to be enriched for effective and efficient policing, improved coordination, relationships and accountability, and especially at the station levels where people centred service delivery is anchored.

1. National Police Service Commission (Amendment) Bill, 2024

The National Police Service (Amendment) Bill, 2024 ("the Bill"), seeks to introduce provisions for the mental wellness and well-being of police officers, including the establishment of psychosocial support centres. The establishment of psychosocial support centers as proposed in the Bill will provide police officers with access to professional mental health services, which are crucial for managing stress, preventing burnout and reducing the rates of suicide and violence within the service. Furthermore, this initiative will help to destigmatize mental health issues among officers, encouraging them to seek help and fostering a more supportive and healthy work environment.

The Authority has been invited by the Departmental Committee on Administration and Internal Security vide a letter dated 12th August 2024 to submit its comments on the Bill.

The Authority strongly supports this legislative initiative as a necessary and timely intervention to address the mental health challenges within the National Police Service. The proposed amendments in the Bill are in tandem with the recommendations of the Authority in the aforementioned report on murders and suicides.

This memorandum therefore sets out in detail, the Authority's comments and observations on the Bill.

The memorandum is divided into four (4) parts ;

1. Part A highlights the observations that IPOA has made on the Bill;
2. Part B highlights other proposed amendments to the Bill that IPOA considers important in enabling the mental wellness and well-being of police officers;
3. Part C contains the detailed memorandum on the Bill which includes a justification on which provisions should be retained, amended or deleted; and

4. Part D contains the detailed memorandum on an additional proposed amendment to the National Police Service Commission Act including justifications.

Additionally, the Authority notes that there is a grave need for the National Police Service (NPS) and the National Police Service Commission (NPSC) to take administrative measures to address the causes of mental health problems in the Service. In its report on Murders and Suicide the Authority made several recommendations as set out above that would ameliorate the current mental health situation in the Service. Most of those recommendations only require administrative action by both the NPS and the NPSC. For instance, ensuring manageable work shifts for officers to work for eight hours and accord them time to rest before resuming their next shift. Facilitating officers to undergo training on trauma resilience to prepare officers psychologically when faced with traumatic or anxious situations while in the line of duty. Ensuring controlled issue of firearms to officers suspected of mental illness and improving communication and feedback between supervisors and junior officers, amongst others. Therefore, in addition to the current proposed legislative changes to the NPSC Act, the NPS and NPSC should implement recommendations by the Authority contained in the report on Murders and suicide in the Service.

PART A- HIGHLIGHTS OF THE BILL

The draft Bill contains many positive proposals that if adopted will ensure prioritization of the mental wellness of police officers which will not only enhance their overall wellbeing but also improve the effectiveness and professionalism of the National Police Service. Some of the key positive proposals are as follows;

1. Firstly, the proposed amendments to the Bill to formally introduce the concept of psychosocial support into the legal framework governing the welfare and operations of police officers. This move is part of a broader effort to prioritize the mental wellness and overall well-being of officers, ensuring that they are adequately supported in their challenging roles. The proposal by the draft bill is therefore timely and is in tandem with the Authority's recommendation for psychosocial support.
2. Secondly, the proposal to introduce the term wellness which has been defined as the practice of healthy habits regularly to attain better physical and mental health outcomes, reflects a holistic approach to the well-being of police officers,

acknowledging the importance of both physical and mental health in their daily lives and professional duties.

3. Thirdly, the proposal to have the amendment to Section 10(1) of the National Police Service Commission Act with the introduction of a new provision that reads *"establish psychosocial units and formulate programs to promote the mental health and wellbeing of police officers"* goes ahead to enhance the wellbeing of police officers, improving their performance, and ultimately contributing to a more effective and resilient police force.
4. Fourthly, the proposal to have the insertion of a new paragraph section 12(a) is a comprehensive approach to supporting the mental health and wellness of police officers, legally mandating the provision of resources and the establishment of psychosocial support centers. This amendment will enhance the overall effectiveness, resilience, and sustainability of the National Police Service, while fostering a culture of wellness that benefits both officers and the communities they serve.

Detailed analysis of IPOA's proposals on the draft Bill is set out in part C.

PART B- HIGHLIGHTS OF OTHER PROPOSED AMENDMENT TO THE BILL

To further build on the proposals made in the draft Bill that seek to make provision for the mental wellness and wellbeing of police officers, IPOA has made an additional proposal on insertion of a new provision under Section 10(1)(q) of the National Police Service Act as follows:

"Administer psychological tests to determine the state of officer's mental health during the recruitment process for members of the Service."

This proposed amendment will ensure that the recruitment process for members of the service includes a comprehensive evaluation of mental health which not only protects the well-being of the members of the service but also enhances the safety and security of the Kenyan public.

A detailed analysis of IPOA's proposals on another amendment to the Bill is set out in part D.

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A detailed analysis of IPOA's proposals on another amendment to the Bill is set out in part D.

PART C

DETAILED ANALYSIS OF PROPOSED AMENDMENTS UNDER THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024

CLAUSE NO. IN THE BILL	THE LEGISLATION TO BE AMENDED	PROPOSAL IN THE BILL	RETAIN, AMEND OR DELETE THE PROPOSED AMENDMENT	JUSTIFICATION
2	Section 2 of the National Police Service Commission Act, 2011.	<p>The proposal is to add two new definitions as follows:</p> <p>“Psychosocial support” means the attention given to a person relating to the interrelation of social factors and individual thought and behavior based on their mental state; and</p> <p>“Wellness” means practicing healthy habits regularly to attain better physical and mental health outcomes.</p>	Retain.	<p>The proposal to have the two new definitions is a commendable and forward thinking initiative as it recognizes a holistic approach to well-being.</p> <p>The same is also in tandem with the provisions of Article 43(1)(a) of the Constitution of Kenya, 2010 and Section 2B(a) of the Mental Health Act, Cap 248 Laws of Kenya.</p>

	Section 10 of the National Police Service Commission Act, 2011.	The Bill seeks to add a new subsection, immediately after Section 10(1)(q) to provide;	Retain with amendments to include consultation with the Inspector General and Kenya Board of Mental Health ; The provision to read;	The proposed amendment will;
3.		(qa) establish psychosocial units and formulate programs to promote the mental health and well-being of police officers.	(qa) in consultation with the Inspector General and the Kenya Board of Mental Health establish psychosocial units and formulate programs to promote the mental health and well-being of police officers.	<ul style="list-style-type: none"> (i) Help deal with occupational stress and mental health challenges; (ii) Aid in improved service delivery and public safety; (iii) Reduction of stigma and encouragement of help seeking behavior; and <p>The proposed amendment is also in tandem with the objectives of the Bill as well as the provisions of Article 43(1)(a) of the Constitution of Kenya, 2010 and Section 2B(a) and 3A (1) of the Mental Health Act, Cap 248 Laws of Kenya.</p>

				<p>It is also in line with IPOA's recommendations in its report on Murders and Suicide in the NPS.</p> <p>There is a need for consultation between the NPSC and the Inspector General in establishing the units and formulating mental health programs for members of the service. The proposed section 12 A in the Bill already envisages the need for consultation between the NPSC the IG and this should be reflected even in the proposed section 10 (1) (q).</p> <p>In addition, the Mental Health Act, Cap 248, in section 4 establishes the Kenya Board of Mental Health. The Board is mandated under section 5 of the</p>
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				<p>Act to <i>interalia</i> advise the National government and county governments on the most appropriate strategies and programmes for the care of persons with mental illness and the effective delivery of mental health care services at the national and county levels of government. The Board is also mandated to set standards for the establishment of mental health units. Consequently, consultation with the Board will be important in ensuring proper standards are maintained in the provision of mental health and wellness to police officers.</p>
4	Section 12(A) of the National	The Bill proposes insert a new	Retain with amendment to include	The proposed amendment seeks

<p>Police Service Commission Act, 2011</p>	<p>section, 12(A) to provide:</p> <p>12(A) Pursuant to section 12, the Commission, in consultation with the Inspector General, shall –</p> <p>(a) Provide police officers with mental health and wellness resources; and</p> <p>(b) In every county, establish well equipped centres in offices, camps, training colleges and communities for police officers to receive psychosocial support.</p>	<p>consultation with the Kenya Board of Mental Health. The provision to read;</p> <p>12(A) Pursuant to section 12, the Commission, in consultation with the Inspector General and the Kenya Board of Mental health shall –</p> <p>(a) Provide police officers with mental health and wellness resources; and</p> <p>(b) In every county, establish well equipped centres in offices, camps, training colleges and communities for police officers to receive psychosocial support.</p>	<p>to obligate the Commission to ensure creation of psychosocial and wellness infrastructure in order for members of the service to receive psychosocial support.</p> <p>The proposed amendment is in tandem with the objectives of the Bill as well as the provisions of Article 6(3), Article 28, Article 43(1)(a) of the Constitution of Kenya, 2010 and Section 2B(a) and 3A (1) of the Mental Health Act, Cap 248 Laws of Kenya.</p> <p>It is also in line with IPOA's recommendations in its report on Murders and Suicide in the NPS.</p> <p>The Mental Health Act, Cap 248, at section 4 establishes the</p>
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PART D				
DETAILED ANALYSIS OF PROPOSED AMENDMENTS UNDER THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024				
5	Section 10(1) of the National Police Service Commission Act, 2011	Introduce a new paragraph immediately after section 10 (1) (q)to provide; 10(1)(qq). <i>Administer psychological tests to determine the state of officer's mental health during the recruitment process for members of the Service."</i>	Consider and amend	The proposed amendment will ensure a comprehensive evaluation of mental health during recruitment for members of the National Police Service and to ensure: a. Enhanced public safety; b. Improved professionalism within the Service; c. Promotion of officer wellbeing. It is noteworthy that IPOA undertook a research in 2021 titled, <i>Murders and Suicides in the National Police Service; An</i>

				<p><i>analysis on causes and prevention strategies</i> which inter alia recommended the administration of psychological tests to determine the state of officer's mental health during the recruitment process as some officers may have had psychological illnesses before joining the Police Service.</p> <p>The same proposed amendment is also in tandem with the provisions of Article 244(a) and Article 246 (3)(a) of the Constitution of Kenya, 2010.</p>
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MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects

The primary objective of the National Police Service Commission (Amendment) Bill, 2023 is to make provision for the mental wellness and wellbeing of police officers including but not limited to the establishment of psychosocial support centres for police officers.

The Bill recognises that in the execution of their tasks, police officers work in potentially confusing roles alternating between law enforcement and public service and constantly face danger or mortality to ensure the safety of others. In some cases, due to the unique challenges of policing, they inflict harm on human beings as police work is more stressful than other jobs. Numerous studies, including the recent Mental Health Taskforce Report of 2020 have examined the Germane aspect of mental health, but have overlooked the mental health of police officers. The proposed Bill therefore gives the National Police Service Commission various mandates aimed at promotion of the mental health of police

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms.

The Bill does not delegate legislative powers or limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill is not a Bill concerning county governments as it does not affect the functions of the county governments. Police service's is a function of the national government under paragraph 7 of part 1 of the Fourth Schedule to the Constitution.

12 Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Section 2 of the principal Act which it is proposed to amend -

2. Interpretation

In this Act, unless the context otherwise requires-

"Association of Professional Societies of East Africa" means the association of that name registered under the Societies Act (Cap. 108);

"chairperson" means the chairperson of the Commission appointed under the Constitution and section 6 of this Act;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to policing;

"Commission" means the National Police Service Commission established under Article 246 of the Constitution;

"Deputy Inspectors-General" means the Deputy Inspectors-General appointed in accordance with Article 245 of the Constitution;

"disciplinary action" means imposition of any punishment against a member of staff of the Service on account of breach of any code of conduct;

"member" means a member of the Commission appointed in accordance with section 6;

"Secretary" means the Secretary appointed under section 15; "Service" means the National Police Service established under

Article 243 of the Constitution;

"Police officer" has the same meaning assigned to it in the National Police Service Act;

"Inspector-General" means the Inspector-General appointed in accordance with article 245 of the Constitution and this Act;

"member of staff" includes civilian members of staff of the Service.

Section 10 of the principal Act which it is proposed to amend-

10.Functions of the Commission

(1) In addition to the functions of the Commission under Article 246 (3) of the Constitution, the Commission shall-

- (a) on the recommendation of the Inspector-General develop and keep under review all matters relating to human resources policies of members of the Service;
- (b) with the advice of the Salaries and Remuneration Commission, determine the appropriate remuneration and benefits for the Service and staff of the Commission;

- (c) approve applications for engagement by police officers in trade and other businesses, in accordance with the law relating to matters of leadership and integrity under Article 80 of the Constitution;
- (d) co-operate with other State agencies, departments or commissions on any matter that the Commission considers necessary;
- (e) provide for the terms and conditions of service and the procedure for recruitment and disciplinary measures for civilian members of the Service;
- (f) develop fair and clear disciplinary procedures in accordance with Article 47 of the Constitution;
- (g) investigate and summon witnesses to assist for the purposes of its investigations;

Provided that-

1. the Commission shall not undertake investigations on criminal matters;
- ii. where, in the course of disciplinary investigations the Commission identifies violation of any written law, whether civil liability or criminal offence, the Commission shall recommend the prosecution of the offender in accordance with the law:

Provided that disciplinary proceedings by the Commission or the Inspector-General shall not be affected by any criminal or civil action commenced under paragraph (ii).

- (h) exercise disciplinary control over persons holding or acting in office in the Service;
- (i) promote the values and principles referred to in Articles 10 and 232 of the Constitution throughout the Service;
- (j) deleted by Act No. 3 of 2014, s. 3 (c);
- (k) hear and determine appeals from members of the Service on disciplinary matters relating to transfers, promotions and appointments;



National Police Service Commission



THE NATIONAL POLICE SERVICE COMMISSION'S SUBMISSIONS

TO

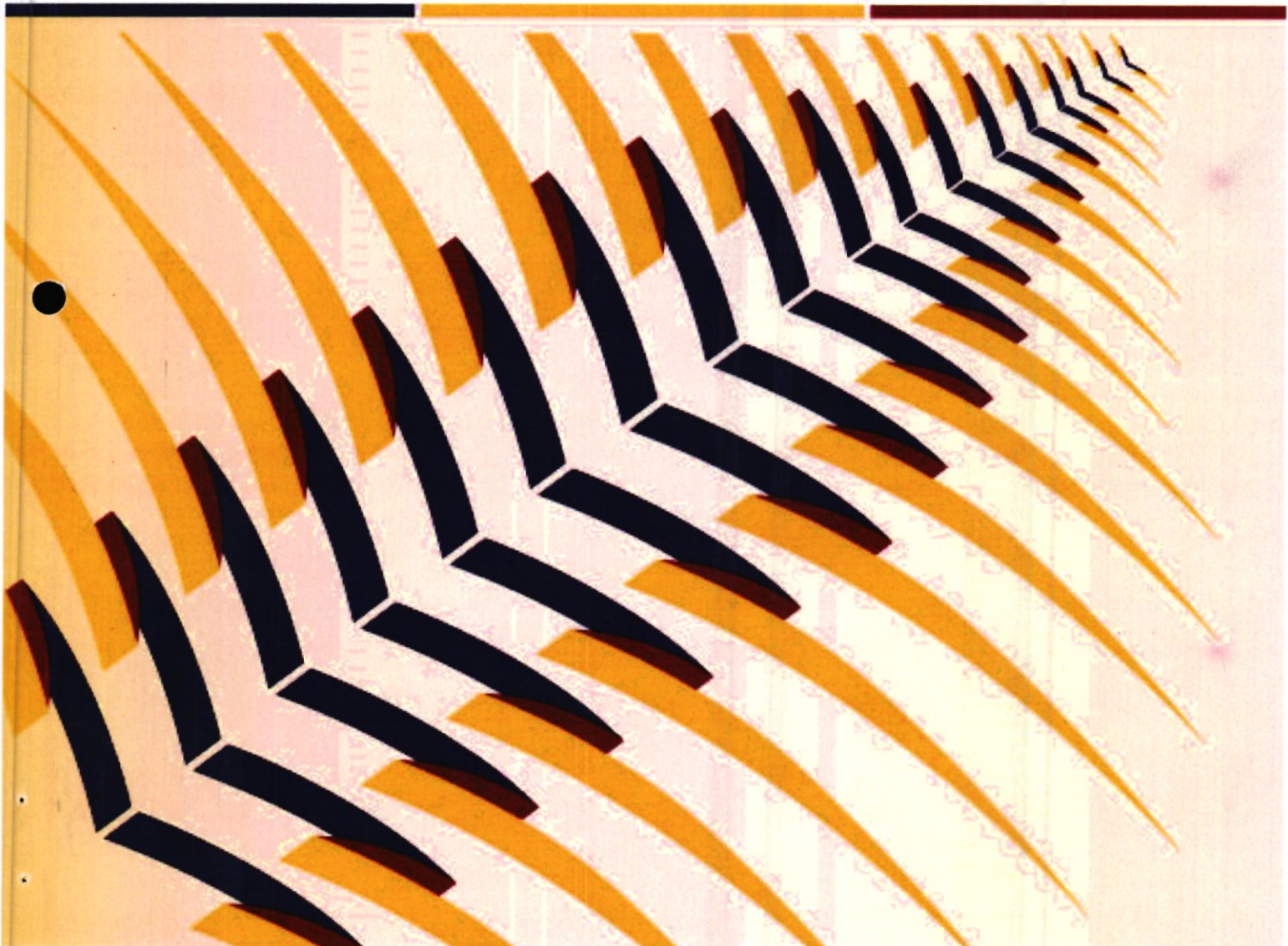
NATIONAL ASSEMBLY

PRESENTED BY

PETER LELEY

CS/ CHIEF EXECUTIVE OFFICER, NATIONAL POLICE SERVICE COMMISSION

WEDNESDAY, 21ST AUGUST, 2024



NATIONAL POLICE SERVICE COMMISSION SUBMISSION TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY ON THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024

1.1 Introduction

The National Police Service Commission acknowledges the letter Ref. NA/DDC/AIS/2024/115 dated 12th August 2024 from the Clerk of the National Assembly inviting the Commission to a public hearing and stakeholder meeting on Wednesday, 21st August, 2024. In the letter, the Commission has been requested to make its submissions on the proposed National Police Service Commission (Amendment) Bill, 2024 via written memoranda.

1.2 National Police Service Commission

The Constitution establishes Commissions and Independent Offices (CCIOs) in Article 248 of the Constitution of Kenya whose objects and authority are described in Article 249(1) as to protect sovereignty of the people; secure the observance by all State organs of democratic values and principles and promote constitutionalism.

The National Police Service Commission is one of the Constitutional Commissions and is therefore not subject to direction or control by any person or authority and but the Constitution and the law as stipulated under Article 249(2)(a)(b). The Commission reports to the President and Parliament as stipulated under Article 254(1).

The National Police Service Commission is established by Article 246(1) and as one of the Constitutional Commissions and Independent Offices (CCIOs) under 248(2)(j). It is mandated to recruit, appoint persons to hold or act in offices in the NPS, confirm appointments, determine promotions and transfer within the NPS and exercise disciplinary control and remove persons holding or acting in offices within the NPS as stipulated in Article 246(3)(a)(b)(c). The National Police Service Commission is differentiated from the Public Service Commission by Article 234(3)(c)(iv) as it performs similar functions as the Public Service Commission in respect to National

Police Service. As one of the employer Commissions under Article 234(3)(c)(i)(ii)(iii), it is represented by a nominee at the Salaries and Remuneration Commission (SRC).

1.3 Composition of the Commission

Under Article 250(1) of the Constitution every Constitutional commission consists of a minimum of three and a maximum of nine Commissioners, while Article 246(2)(a)(b)(c) provides for membership of National Police Service Commission as stipulated in 246(2)(a)(i); as a person who is qualified to be appointed as a High Court Judge; 246(2)(a)(ii); two retired senior Police Officers; and 246(2)(a)(iii); three persons of integrity who have served the Public with distinction. These six Commissioners are full-time commissioners. The other three Commissioners are appointed under Article 246(2)(b); the IG NPS and 246(2)(c); DIG KPS and DIG APS, and are ex officio/part-time as provided for in Article 250(6)(a)(b).

1.4 Situational Analysis of the National Police Service

Police officers in Kenya often face exhausting and dangerous work conditions, regularly encountering highly distressing situations that expose them to trauma daily¹. This exposure, combined with the demands of family life and societal expectations, can lead to debilitating stress, job burnout, anxiety, post-trauma stress disorder (PTSD), depression, and even suicidal ideations. To navigate these psychological challenges, it is essential that police officers have access to counseling and psychosocial support services, which are vital for maintaining their well-being and enabling them to function optimally both professionally and personally.

Studies on the effects of traumatic experiences on police officers in Kenya have highlighted the urgent need for a comprehensive system to protect the mental health of the Police Service². It is indicated that officers exposed to hostile operations and crime scenes require counseling to alleviate trauma and cope with the stress and

¹ "Police Officers' Mental Health and the Role of Organizational Support in Kenya" by Ng'ang'a, J. M. & Omondi, R. (2023) - A report from the *African Institute for Crime Prevention Studies* that explores the mental health issues prevalent among police officers in Kenya and the critical role that organizational support plays in addressing these challenges.

² "Mental Health Interventions for Police Officers in Kenya: A Review" by Mwangi, A. W. & Otieno, M. O. (2022) - Published in the *Journal of African Mental Health*, this paper reviews various mental health interventions available to police officers in Kenya, highlighting gaps in the system and recommending improvements.

anxiety inherent in their work environment. Consequently, there is a critical need to develop long-term institutional mechanisms within the National Police Service (NPS) to address these mental health challenges and ensure the overall well-being of the officers.

Given the exhausting and dangerous work conditions faced by police officers, coupled with the psychological challenges arising from daily trauma exposure, it is crucial that the National Police Service Commission, which employs approximately 103,000 officers, provides comprehensive counseling and psychosocial support services which are vital for maintaining the mental well-being of officers, enabling them to effectively manage stress, anxiety, PTSD, and other mental health issues.

The implementation of counseling and psychosocial support by the National Police Service Commission will significantly enhance the overall performance and resilience of its officers, while also playing a crucial role in preventive mental health care.

1.5 Achievements of the Commission in Counselling and Psychosocial Support

The Commission has made significant strides in enhancing the mental health and well-being of police officers through various initiatives focused on counselling and psychosocial support. These achievements have been crucial in addressing the psychological needs of officers in the Service. Key accomplishments include:

1.5.1 Launching of Counselling Policy

In 2018, the Commission launched the National Police Service Psychological Counseling Policy to address the growing psychological needs of police officers due to challenging work conditions. The policy recognizes the impact of long-term trauma exposure on officers and their families, emphasizing the need for accessible counseling services.

1.5.2 Staffing

In 2021, the Commission hired 16 counselors and 11 social workers, raising the total number of Counseling Unit staff to 27. These staff members were deployed across various regions and formations within the National Police Service (NPS) as part of the decentralization of Human Capital Management (HCM) services. In 2023, the team was further expanded with the addition of 11 more counselors, bringing the total number of Counseling Unit staff to 38.

1.5.3 Decentralization of Counselling Services

To enhance access to mental health support, the Commission has implemented the decentralization of counseling services. This strategic approach ensures that officers in different regions can obtain the necessary support, in accordance with Article 6 of the Constitution of Kenya, 2010, which requires reasonable access to services throughout the Republic.

1.5.4 Toll-Free counselling Line

The Commission has equally set up a toll-free line (0800721070) that provides round-the-clock access to counseling and psychosocial support services. This line offers immediate assistance to officers in emergencies and those who cannot attend in-person sessions.

1.5.5 Partnerships for Resource Enhancement

Through strategic partnerships, the Commission has successfully addressed several key resource needs, including:

- i. Tele counselling Training: Funded by the Re-Invent Organization in February 2022 at the Kenya School of Government.
- ii. Psychological Debriefing and Team Building: Sponsored by International Justice Mission (IJM) in November 2023 at Lake Naivasha Resort, along with the provision of furnishings for counselling rooms at Nyayo House.

These initiatives reflect the Commission's commitment to fostering a supportive environment for police officers, ultimately enhancing their mental health and operational effectiveness.

Despite the efforts made by the Commission, the counselling function is not explicitly outlined in the National Police Service Commission Act. This lack of clarity has resulted in challenges related to collaboration, delays in establishing devolved wellness centers, difficulties in recruiting counselors, social workers, and other specialists.

The proposed amendment of the National Police Service Commission Act will address these issues effectively. The proposed amendment will also strengthen the existing Commission Policy on Psychological Counselling Services within the National Police Service, as it is the statutory responsibility of the Commission, to provide these essential welfare services as the employer of the members of the service.

In light of this, the Commission makes the following submission:

1.6 Proposed Amendments to the National Police Service Commission Act for Enhanced Mental Health Support

S/No.	Section of The Bill	Specific Clause	Proposed Amendment	Justification
1.	S. 2	<i>The NPSC Act is amended in section 2 by inserting the following new definitions in the proper alphabetical sequence-</i>	<p>Insert the following new word in the definitions as defined in the Commission's Policy on Psychological Counselling Service in NPS, 2018.</p> <p>“Counselling” A process where a person with difficulties is assisted to think through the problems and find a possible solution;</p>	<p>The is need to include "Counselling" in the definitions as psychosocial support excludes counselling as a critical component of mental health and as wellness management.</p> <p>To provide a functional definition of the term.</p>

S/No.	Section of The Bill	Specific Clause	Proposed Amendment	Justification
2.	S. 3	<p><i>The principal Act is amended in section 10 (1) by inserting the following new paragraph immediately after paragraph (q)</i></p> <p><i>(q)(a) Establish psychosocial units and formulate programs to promote the mental health and well-being of police officers</i></p>	<p>“Establish counselling and psychosocial support unit to oversee and formulate programs to promote the mental health and well-being of members of the service”</p>	<p>To enhance the provision of mental health services by establishing a "Counseling and Psychosocial Support Unit" to oversee and develop programs promoting the well-being of all members of the service, including civilian staff.</p> <p>This amendment is justified as it will improve the administration, coordination, and implementation of mental health programs.</p> <p>Broadening the scope to include civilian staff within the service by replacing police officer with members of the service ensuring both uniformed and</p>

S/No.	Section of The Bill	Specific Clause	Proposed Amendment	Justification
				civilian members of the service are catered for.
3.	S.4	<p><i>The principal Act is amended by inserting the following new section immediately after section 12.</i></p> <p><i>12(A) Pursuant to section 12, the Commission, in consultation with the Inspector General, shall-</i></p>	Delete “in consultation with the Inspector General”	<p>Article 246(2)(b) of the Constitution outlines the composition of the National Police Service Commission to include the Inspector-General.</p> <p>Given that the Inspector-General is a member of the Commission, decisions made by the Commission are inherently considered to be inclusive of the Inspector-General’s input and perspective.</p> <p>The term “in consultation with the Inspector General” is redundant, as the Inspector-General is a</p>

S/No.	Section of The Bill	Specific Clause	Proposed Amendment	Justification
				substantive member of the Commission.
4.	S. 4	<p><i>The principal Act is amended by inserting the following new section immediately after section 12.</i></p> <p><i>12(A) Pursuant to section 12, the Commission, in consultation with the Inspector General, shall-</i></p> <p><i>(a) provide police officer with mental health and wellness resources; and</i></p> <p><i>(b) in every county, establish well equipped centers in offices, camps, training colleges and communities for police officers</i></p>	<p>Introduce paragraph 12 (A) (b)</p> <p>Establish integrated wellness Centers for the provision of referral, training and research on psychosocial issues affecting members of the service.</p>	<p>Establishing an integrated wellness centers as referral hubs will enhance mental health care for service members by providing specialized treatment, ongoing training, and conducting research on psychological issues. These centers will ensure timely access to care, build a resilient workforce through targeted training, and develop evidence-based practices.</p> <p>Decentralizing these centers across regions will improve accessibility and provide</p>

S/No.	Section of The Bill	Specific Clause	Proposed Amendment	Justification
		<i>to receive psychosocial support</i>		comprehensive support, leading to better overall well-being and performance among officers and staff.

Conclusion

These submissions are presented for your consideration and adoption.

PETER LELEY
CS/CHIEF EXECUTIVE OFFICER
NATIONAL POLICE SERVICE COMMISSION





National Police Service Commission
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SUBMISSIONS ON THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024

Introduction

Honourable Chair, the National Police Service Commission (Amendment) Bill, 2024 is sponsored by Honourable Peter Francis Masara, the Member of Parliament for Suna West Constituency. The bill seeks to amend section 12 of the National Police Service Commission Act so that the National Police Service Commission is empowered to provide police officers with mental health resources. The Bill also seeks to establish well equipped centres in offices, camps, training colleges and communities for police officers to enable police officers receive psychosocial support.

Mandate of the National Police Service Commission

Honourable Chair, the National Police Service Commission is a constitutional Commission established under Article 246(1) of the Constitution. It took over, among other functions, the human resource management functions of the National Police Service that were previously being handled by the Public Service Commission.

Under section 10(1)(a) of the National Police Service Commission Act, it is empowered to develop and keep under review all matters relating to human resource policies for members of the National Police Service. Under section 10(1) (c) of the Act, the Commission is also empowered to provide for the terms and conditions of employment for members of the Service.

The proposed amendments are essentially about the welfare of members of the Service the improvement of which is within the mandate of the Commission. They therefore have a sound constitutional and statutory basis.

Importance of the Bill

Honourable Chair, the Bill is important for the following reasons:

Firstly, under Article 43(1) of the Constitution, every person has a right to the highest attainable standard of health which includes the right to health care

services. The provision of mental health facilities to police officers is a constitutional imperative that the Government should protect, promote and fulfil.

Secondly, the realization of this right as far as police officers are concerned has been hampered by lack of an effective legislative framework. The Bill seeks to fill the gap.

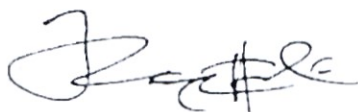
Thirdly, the stress and trauma experiences that police officers undergo while maintaining law and order often leave them with psychosocial and emotional scars that require healing. The Bill recognizes this and aims at providing the necessary support.

Fourthly, cases of police officers being perpetrators of crime attributed to mental disorders have been reported in the press. This includes domestic violence, suicide and murder. Providing mental health facilities to them will reduce such incidences.

Conclusion

Honourable Chair, the State Department for Internal Security and National Administration recognizes the importance of providing police officers with mental health facilities and therefore supports the Bill.

Thank you, **Honourable Chair**.



DR. RAYMOND OMOLLO, PhD, CBS

PRINCIPAL SECRETARY

INTERNAL SECURITY & NATIONAL ADMINISTRATION

19TH AUGUST, 2024



**OFFICE OF THE INSPECTOR GENERAL
NATIONAL POLICE SERVICE
NAIROBI – KENYA**

Telegraphic Address: "IG, NPS"
Telephone: Nairobi 020-2221969
When replying please quote Ref.
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4th Floor
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NAIROBI

Ref. NPS/IG/SEC/2/6/13/8 VOL. XXI (97)

August 21, 2024

The Clerk
The National Assembly
Main Parliament Buildings
P.O. Box 41842-00100
NAIROBI

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND INTERNAL SECURITY REGARDING THE
NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL,
2024**

Please, reference is made to the National Assembly letter Ref. **NA/DDC/AIS/2024/115** dated **August 12, 2024** on the above subject matter, by which the National Police Service is requested to make submissions to the meeting.

Attached, kindly receive the submissions from the National Police Service.

**GILBERT MASENGELI, MBS, OGW
Ag. INSPECTOR GENERAL
NATIONAL POLICE SERVICE**

Encl.



Comments on the Proposed National Police Service Commission (Amendment Bill), 2024

The nature of police work means that most of police officers join the service at young age and get posted to far-flung areas away from home. They get detached from their homes, separated from families and removed from their communities for a long time. Often, they retire to a solitary life back in their home areas with few or no friends. Their quality of life is compounded by loss of privileges, including medical care and minimal personal investment due to mobility of their working life.

Police work is often a source of severe trauma and stress. There have been many incidents of police officers committing suicide or using violence against others because of trauma and stress.

The National Police Service Commission has carried out several intervention measures including posting of trained Counselors at police Regional headquarters, Formations and Unit. A total of 16 Counselors and 11 social workers are currently in deployment and are assisting officers in need. However, the number of counselors posted is still inadequate. Currently, all NPS Officers are fully covered for psychosocial support services.

The Justice Maraga Taskforce, taking cognizant of the aforementioned facts, in their report recommended that: 1) mental health should be comprehensively covered by the medical insurance scheme, 2) there should be full implementation of the NPSC Counseling Policy including; appointment of a wellness champion in every sub county.

The proposals to amend the National Police Service Commission Act to provide for matters concerning mental health and wellbeing of police officers is in line with the Maraga Taskforce Report.

In addition to the proposed amendments, we propose the amendment of Section 10(1)(b) to read;

“determine the appropriate remunerations and benefits for the Service and staff of the commission”

Rationale: The commission being an independent institution and the employer of members of the Service has a legal duty to determine matters their welfare and remuneration. Other institutions may only be involved as required in accordance with the provisions under Section 10(1)(d)

On the proposal of NPSC to delete the part on consultation with IG with regards to providing police officers with mental health and wellness resources.....”

We reject that proposal for amendment so that we retain the consultation aspect to avoid the mischief of the commission pushing up agendas that IG is not privy to.

We support the bill with our proposed amendment.

NATIONAL POLICE SERVICE COMMISSION AMENDMENT BILL NO. 23 OF 2024:

NATIONAL ASSOCIATION OF RETIRED POLICE OFFICERS KENYA (NARPOK):

The National Association of Retired Police Officers - Kenya (NARPOK) is duly registered Association under the Societies Act, Cap. 108 (Rev. 2009) Laws of Kenya. The Association also gets its recognition through Appendix 66(h) of the National Police Service Standing Orders.

Memberships are limited to members of NPS who retired honorably from the services.

The incumbent Inspector General of National Police Service is the Patron to the Association while retired IGs of NPS, DIGs of KPS & APS and DGs of DCI are all Trustees of the Association.

Some of the objectives of the Association are to be United in Retirement, support one another for their welfare and work together with serving officers and keep upholding their loyalty and allegiance to the nation.

The Association is devolved into Administrative Counties as Chapters. Each of the Chapters run their affairs autonomously under the leadership and guidance of the National Executive Committee (NEC).

SUBMISSION BY NARPOK:

- (a) **Amendment of section 2 of No. 30 Of 2011:** Insertion of Psychosocial Support and Wellness as defined in the Amendment Bill.
- (b) **Insertion of new section 12A:** It is a provision for mental health and wellbeing of police officers.

Members of NARPOK fully understand the strenuous conditions under which police work and the risks involved. Indeed, police officers do put their lives on line to maintain law and order, to preserve peace, to protect lives and properties and to enforce all rules and regulations of the country.

While executing their duties, police officers get exposed to so many risks touching on their lives and health as follows:

- Dealing with criminalities in their day-to-day activities meaning that they keep handling violent human characters which pose threats to their lives and health on daily basis

- Getting attacked by suspects while in execution of duties and in the course get hurt or killed by suspects
- Firefight with heavily armed combatants and armed bandits or militias
- Direct combat with terrorists and other organized criminal gangs within the country
- They get exposed to all sorts of diseases of which some turn out to be chronic and resistant to treatments, hence force such officers to live with such diseases through their lives
- Deprivation of sleeps and prolonged deployments on tour of duties
- Over fatigued due to physical engagement in some straining duties
- Strain in marriages because of staying away from families some due to lack of accommodation or deployment in hardship areas for longer periods
- Working away from their home towns and Counties
- Subject of suffering from psychological trauma, stress and anxiety due to the nature of the police work

With regards to the importance of psychosocial and wellness of the officers, NARPOK fraternity fully supports the amendments of section 2 by insertion of psychosocial support and wellness of the officers and recommend that: -

- i. NPSC & NPS should prioritize work-life balance and financial wellness for serving officers to mitigate the effects of stress, long working hours and financial strain
- ii. Service Commanders play proactive roles in facilitating access to psychosocial supports and wellness services at recognized institutions, ensuring officers in active service receive the necessary supports and services
- iii. Come out clear in the NP Service Standing Orders with guidelines on psychosocial supports and wellness practices during and beyond police careers, providing officers with a structured framework for accessing mental health, financial wellness and other support services
- iv. Definition of "wellness" to include health and financial wellness

(c) proposal of amendment to section 10 of Principal Act:

NARPOK fully acknowledges and supports provisions of Section 10 of NPSC Act and recommends proposed amendments thereof. However, discipline, transfers and promotions of officers are areas of concerns.

Discipline:

Discipline is one of the important components of controlling and coordinating functions of the NPS. It is also one of the constitutional functions of NPSC.

Since creation of NPSC, the policy and process of handling disciplinary matters has been cumbersome and time taking, thus taking too much time in concluding disciplinary cases, hence compromising standard of discipline in the services.

It is important that NPSC in collaboration with NPS come up with current policy and procedures which will effectively deal with disciplinary matters within the services.

In this regard, for the purposes of dealing with disciplinary effectively and expeditiously, NARPOK recommends as follows: -

- i. Disciplinary Committees to be establish at NPSC, NPS, APS, KPS, DCI and each County Headquarters
- ii. Disciplinary Appeal Committees to be established at NPSC, NPS, APS, KPS and Regional Police Headquarters
- iii. Officers of the ranks of and above Assistant Superintendent be dealt with in disciplinary proceedings by the NPSC
- iv. Disciplinary actions to exclude officers with mental and physical health challenges
- v. Time frames for initiating and concluding disciplinary proceedings be set not to be more than one month

Transfers:

Transfer of officers at all levels and of all cadres in both services including DCI has posed unwarranted challenges and conflict of interests. At times it is witnessed that such transferred officers going to courts to challenge.

Accordingly, NARPOK Recommends that NPSC in collaboration with NPS develop transfer policy which guarantees fairness across the board and categorizes authorities of transferring officers across the country as follows: -

- i. Transfer of officers of the rank of Police Constables up to members of Inspectorate country wide to be transacted by respective DIGs of both Services and DG of DCI but after transferring to inform the IG
- ii. Transfer of Assistant Superintendent of police up to Senior Superintendent of police to be transacted by the IG, DIGs APS & KPS and DG DCI on the recommendations of both services and DCI commanders. After transferring them, to inform NPSC
- iii. Transfer of Commissioner of Police up to Senior Assistant Inspector General of police to be transacted by the NPSC on the recommendations of the NPS
- iv. Cadres from Senior Sergeant and below can be transferred by regional police commanders and county police commanders within their respective regions and counties

Promotions:

Promotions of police officers and their postings are of paramount to the command and control with the services and DCI. NARPOK therefore recommends that

- i. Promotions and postings of cadres of up to members of Inspectorate to be within the purviews of DIGs APS & KPS and DG DCI
- ii. Promotions from Assistant Superintendent to Senior Assistant Inspector General to be transacted by NPSC.
- iii. All promotions and postings of the officers of all cadres to be done on merit

(d) Proposal of amendment to section 12 of Principal Act

NARPOK acknowledges and supports the proposed amendment under section 12 of Principal Act which empowers the commission to ensure and enhance standard of quality service delivery, professionalism and good public relations amongst the services and the public.

All in all, owing to the Amendment Bill and proposed amendment factors mentioned in the NPSC Amendment Bill No. 23 Of 2024, NARPOK fraternity fully supports the amendments, proposed amendments and its recommendations according to the NPSC Act Amendment Bill 2024 and its (NARPOK's) proposed recommendations.

Our police officers make incredible sacrifices and take incredible risks every day as they serve our nation.

On the other hand, NRPOK poses some very big questions to the Departmental Committee on Administration and Internal Security some very big questions as follows: -

- Are the psychosocial and physical wellness of the officers catered for only while in their active services or even after they exit their services??
- What will happen if they get discharged from or retire from their services under such medical grounds??
- What will happen to the families of the officers who are discharged or retired under such health conditions??

NARPOK would therefore recommend that NPSC in collaboration with NPS to mitigate for psychosocial supports and physical health wellbeing of the officers not only during their active services but also while in their retirements.

To do so, let them (NPSC & NPS) facilitate insertion of retired police officers' welfare and wellness while in their retirements in NPSC & NPS Acts and support enactment of Police Veterans Act.

CHALLENGES OF POLICE OFFICERS IN RETIREMENT:

The study illuminates on personal, psychological, psychosocial and job-related factors that shape the adjustment of police officers to retirement. The challenges include financial, health and social relations.

Psychological Effects:

Retiring officers often face leaving a job in which they personified authority and responsibility. They had the power to resolve many of the community's problems and were empowered by law to act with force where necessary. The realities of their working in law enforcement often led to a small, closed system of support which often includes those with whom the officer works on daily basis.

Separation from this police support leads retired officers to:

- Isolation and withdrawal on the part of retiring officers
- Losing many years of identity and fraternity
- Losing right to possess symbols of authority, uniform and weapon
- Feeling of loss and perceived decrease in status
- Loss of structures that their police careers gave their daily life
- Unprecedented marital and family disputes and difficulties

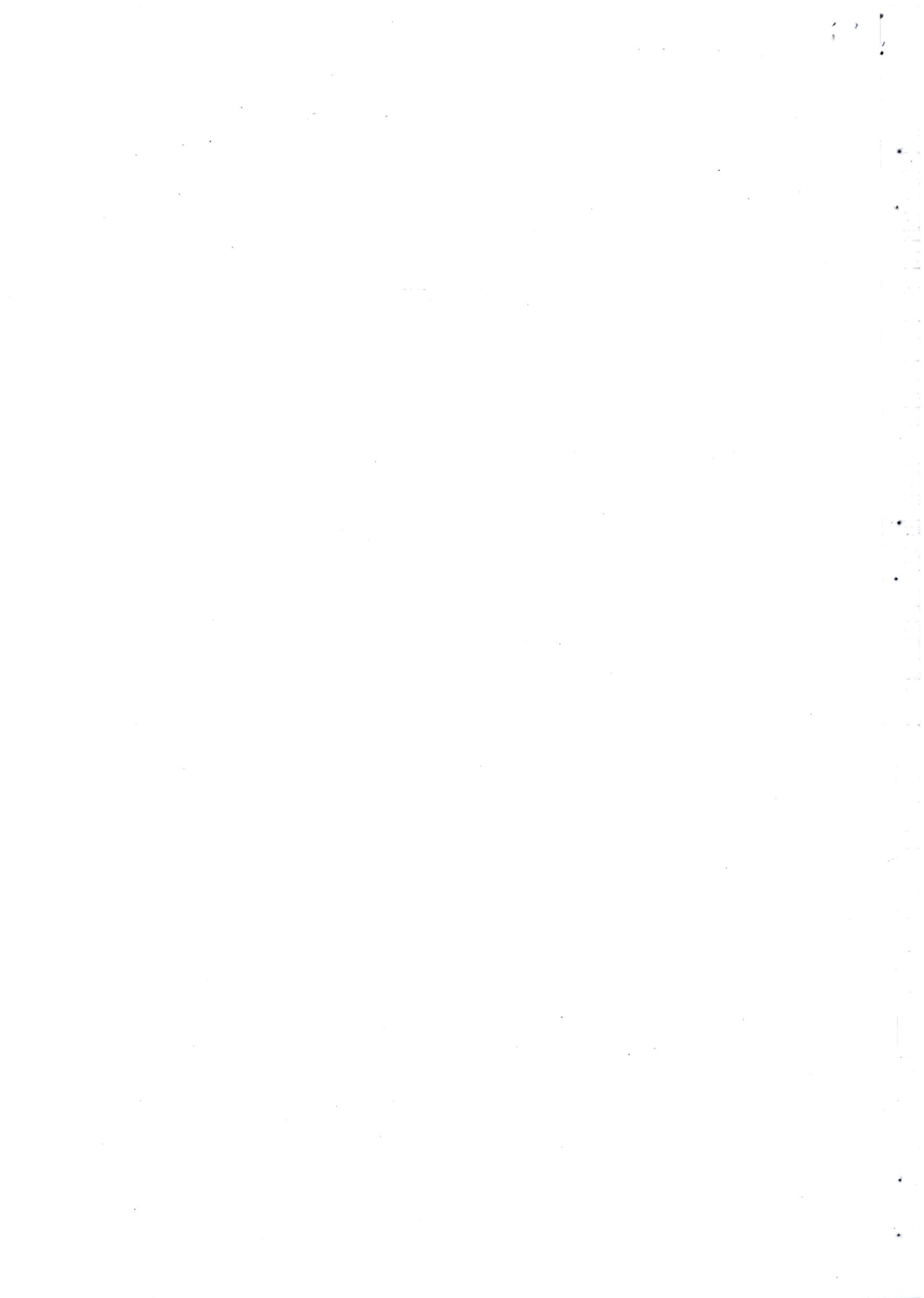
Loss of the above factors lead officers to sense of hopelessness, chaos and anxiety.

Also, with retirement comes the onset of marital and family difficulties.

Psychosocial effects:

Effects of psychosocial of officers while in service and in retirement are factors which cannot be overlooked because of psychological and social bearings to the wellbeing of the officers. The nature of police work and effect of retirement from the service puts the life and health of police officers at risk both at service and in retirements. Such situation may adversely affect the officers' standards of quality service delivery and public relations while in the service and difficulties in coping with family and civilian lives in retirements.

From this understanding, it is important that the NPSC in collaboration with NPS put measures in places to promote and uphold wellbeing of psychosocial



status of the officers both in service and in retirements and prevent such negative impacts on their lives from them.

Future Career Challenges:

The authority conferred on police officers, the fast-paced excitement of the job and the ever-changing variety of ordeals the officer is to resolve can make the prospect of retirement seem unappealing by contrast. The retirement decision may bring a concern for maintaining these career challenges in his or her next job opportunity in order to continue job satisfactions. Conversely, however, the retiring officers may feel an inadequacy in taking part in the open job market due to their perceived lack of marketable skills, thinking that they know how to do as police officers. They may feel unqualified for other employment.

NARPOK therefore recommends that officers are well prepared to be professionals while in the service so that they are made to confidently pursue career employment while in their retirements. The NPSC, NPS and Governments at both levels consider appointments of retired police officers in public offices along with other citizens.

Finances:

Potential retirees may experience anxiety about maintaining their standards of living after retirement. The retiring officers experience a decrease in income, the loss or reduction in medical, dental and healthcare insurance covers and very often, is equipped with lack of knowledge about financial planning and management.

Due to the nature of police work and police subculture, the officers hardly plan for their retirement, hence find it difficult to adjust to life in the civilian world. There is no psychological and psychosocial support systems that helps the officers deal with psychological and psychosocial challenges while on services and in their retirements.

The emphasis is only placed on the importance of occupation or employment, hence in retirements most officers face substantial sense of loss.

Pension gratuity given to officers are commuted in which sense it is so meagre in lump sum, so meagre in monthly pension and too meagre in the percentage of increment, hence readily caught up by daily sky-rocketing inflation.

NARPOK therefore recommends that:

- i. the Parliament to see the importance of police officers in their retirement in the way they have been while in the service and make amendments to provide clauses in both NPSC & NPS Acts and enact Police Veterans Act which shall take into account the welfare and wellbeing of the officers and their families while in their retirements.
- ii. NPSC & NPS to prepare officers through trainings and other means to easily reintegrate them to the civilian lives in their retirements
- iii. When officers are due for retirements, at least two years prior to their retirements, they are privileged to be transferred to their respective home Sub-Counties, Counties and Regions
- iv. Disbursement of pension lump sums are made promptly to the retiring officers
- v. Their psychosocial and wellness of their health are followed up to their retirements
- vi. Upon retirements, police officers should retain psychosocial supports and wellness services which are based on their financial, physical and mental contributions while in service
- vii. The qualifying retired police officer are considered and granted appointments in public offices

RECOGNITION OF POLICE OFFICERS IN THEIR RETIREMENTS:

As earlier stated, NARPOK is a duly registered Association under Societies Act and its members are members of NPS who retired honorably from the Services.

So far, the Association has succeeded in uniting retired police officers in their retirements and keep welcoming those retiring officers to the Association. Such officers who join Association find sense of belonging to the society out in retirement. This initiative of forming NARPOK by some of the retired officers has tried to bring about betterment of general welfare of officers in their retirements. However, this effort requires full support by the government, NPSC, NPS and general public for the objectives to fully be realized.

NARPOK, to achieve its objectives for retired police officers' welfare and wellbeing, it has continued in its efforts towards improving professional relevancy of the officers out in retirements. So far, the Association has registered NARPOK Security and Consultancy Company which is solely owned by entire NARPOK members. It has also developed The Police Veterans Bill, Zero Draft and lobbying towards its enactment to a law like that of The Military Veterans Act 2022. The Association has also come up with Retirement Policy Framework which will keep retired police officers in

THE CONSTITUTION
OF
NATIONAL ASSOCIATION
OF
RETIRED POLICE OFFICERS – KENYA
(NARPOK)

(Revised 2018)

THE CONSTITUTION OF NARPOK

ARRANGEMENT OF ARTICLES

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ARTICLE 2 - THE ASSOCIATION' NAME, LOCATION AND APPLICATION OF THIS CONSTITUTION

ARTICLE 3 - MOTTO

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ARTICLE 9 - COUNTY CHAPTERS

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partnership with serving police officers relevant in providing or participating in the provisions of public security even while in retirement.

Accordingly, NARPOK recommends that the Parliamentary Departmental Committee on Administration and Internal Security, The NPSC and NPS to: -

- Recognize and support retired police officers through NARPOK as part and parcel of NPSC & NPS while in their retirements through Act of Parliament and Institutional policies and standing orders
- Facilitate enactment of Police Veterans Act, Insertion of NARPOK into NPSC & NPS Acts and elaborate inclusion of NARPOK in the NPSC & NPS Institutional policies and NPS Standing Orders

The Constitution of NARPOK, The Police Veteran Bill, Zero Draft and proposed Retirement Policy Framework are hereby attached.

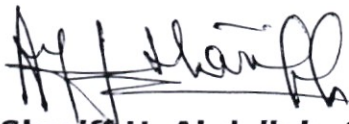
CONCLUSION:

NARPOK Fraternity supports amendment in NPSC ACT which includes insertion of Psychosocial Support and wellness and Provision of Section 12A in the Act. NARPOK also supports proposed amendments under sections 10 and 12 of the Principal Acts of NPSC.

The Association also recommends on matters of disciplinary procedures, transfers and promotions within the services.

NARPOK underscores the importance and recommends that all retired police officers who left the services honorably be recognized and supported together with their dependents in their retirements. Supports to include their general welfare, increased pensions to meet present inflations, medical insurance cover, benefits from existing Police Hospitals and appointments to public offices among others

The Parliamentary Committee on Department of Administration and Internal Security, NPSC and NPS to be in the forefront to facilitate enactment of Police Veterans Act.



Shariff H. Abdallah, OGW
Assistant Secretary General
For: National Chairman - NARPOK



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- 2. SECOND SCHEDULE:** RESPONSIBILITIES AND DUTIES - SECRETARY AND TREASURER / ASSISTANT TREASURER.

- 3. THIRD SCHEDULE:** RESPONSIBILITIES AND DUTIES - NEC SECRETARIAT.

- 4. FOURTH SCHEDULE:** RESPONSIBILITIES AND DUTIES - BOARD OF TRUSTEES.

- 5. FIFTH SCHEDULE:** LIST OF COUNTY CHAPTERS.

- 6. SIXTH SCHEDULE:** THE NARPOK LOGO.

- 7. SEVENTH SCHEDULE:** THE NARPOK SEAL.

- 8. EIGHTH SCHEDULE:** MEMBERSHIP IDENTITY CARD.

Constitution of National Association of Retired Police Officers - Kenya

PREAMBLE

We, the retired National Police officers of Kenya;

Acknowledging the need to come together in unity and diversity of our career backgrounds;

Proud of our country, background, identity and culture;

Committed to the welfare and well-being of each other;

Appreciating the need to co-exist and work together with serving officers and the National Police Service command;

Eager to keep offering our professional experience and expertise;

Desiring to continue being patriotic, loyal and useful to our Country and the National Police Service;

Decide to form ourselves into one body to be known as the National Association of Retired Police Officers – Kenya (NARPOK).

ARTICLE 1 – INTERPRETATION

In this Constitution, unless the context otherwise requires –

“**Association**” means the National Association of Retired Police Officers – Kenya (NARPOK).

“**Amendment**” means amendment as stipulated in Article 29 of this Constitution.

“**Annual General Meeting**” means annual general meeting as stipulated in Article 18 of this Constitution.

“**Assistant Secretary**” means the Assistant Secretary of the Association as stipulated in Article 7 of this Constitution.

“**Assistant Treasurer**” means the Assistant Treasurer of the Association as stipulated in Article 7 of this Constitution.

“**Board**” means the Board of Trustees established under Article 20 of this Constitution.

“**Books**” means books of accounts and records as stipulated in Article 12 of this Constitution.

“**Chairperson**” means the Chairperson of the Association as stipulated in Article 7 of this Constitution.

“**Chapters**” means the Association’s chapters at County level, as stipulated in Article 9 of this Constitution, as read with Article 6(1) of the Constitution of Kenya,

“**Code of Conduct**” means the Code of Conduct for the members of the Association as stipulated in Article 25 of this Constitution.

“**Constitution**” means the Constitution of the Association.

“**Counties**” means the counties established under Article 6(1) of The Constitution of Kenya.

“**Deputy Patron**” means the deputy patron as stipulated in Article 21(2) of this Constitution.

“**Dissolution of the Association**” means dissolution as stipulated in Article 30 of this Constitution.

“**Extra - Ordinary Meeting**” means an extra-ordinary meeting as stipulated in Articles 11 and 19 of this Constitution.

“**Government**” means the Government of the Republic of Kenya.

“**Inspector General**” means Inspector General appointed under Article 245(2) of The Constitution of Kenya.

“Logo” means the Logo of the Association as stipulated in Article 22 of this Constitution.

“Member” means a member of the Association as stipulated in Article 8 of this Constitution.

“National Coordinator” means the National Coordinator of the Association as stipulated in Article 7 of this Constitution.

“National Executive Committee” means the Association’s National Executive Committee as stipulated in Article 7 of this Constitution.

“NPS” means the National Police Service as stipulated in Article 243(1) of the Constitution of Kenya.

“Patron” means the patron as stipulated in Article 21 of this Constitution.

“Police Officer” means officer of the National Police Service.

“Public Relations/Communications Officer” means the Public Relations/Communications Officer of the Association as stipulated in Article 7 of this Constitution.

“Retired Police Officer” means a police officer who retired, or resigned honorably, from the old Kenya Police Force and Administration Police, or the National Police Service.

“Rules” means rules of the Association as stipulated in Article 25 of this Constitution.

“Seal” means the seal of the Association as stipulated in Article 23 of this Constitution.

“Secretary” means the Secretary of the Association as stipulated in Article 7 of this Constitution.

“Service” means the Kenya Police Service and the Administration Police Service established under Article 243(1) of the Constitution of Kenya.

“Treasurer” means the Treasurer of the Association as stipulated in Article 7 of this Constitution.

“Trustees” means the Board of Trustees as stipulated in Article 20 of this Constitution.

“Vice-Chairperson” means the Vice-Chairperson of the Association as stipulated in Article 7 of this Constitution.

“National Coordinator” means the National Coordinator of the Association as stipulated in Article 7 of this Constitution.

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“Vice-Chairperson” means the Vice-Chairperson of the Association as stipulated in Article 7 of this Constitution.

ARTICLE 2 – THE ASSOCIATION AND APPLICATION OF THIS CONSTITUTION

Article 2.1 The Association shall be known as the National Association of Retired Police Officers – Kenya (NARPOK) hereinafter referred to as the ‘Association’ and offices of the Association’s National Executive Committee (NEC) shall be located at the Jogoo House ‘A’ building and Vigilance House Annex building, in Nairobi, or at such other place as the National Executive Committee may determine.

Article 2.2 The Association is registered under the Societies Act, Cap. 108 (Rev. 2009), Kenya. The provisions of that Act shall take precedence in all circumstances when there is a conflict with any provision of this Constitution, or where the Constitution is silent.

Article 2.3 This Constitution is anchored on Appendix 66(h) of the National Police Service Standing Orders.

ARTICLE 3 – MOTTO

United in Retirement.

ARTICLE 4 – MISSION

To support each other and to work together with the National Police Service to realize the objectives of the Association.

ARTICLE 5 – VISION

Service in Retirement.

ARTICLE 6 – OBJECTS

6.1 The objects of the Association shall be to lend support and assistance to members in safeguarding their general rights as retired police officers and citizens of Kenya and in promoting measures for their general welfare and enhancement of life; and on a member’s demise, to extend support and assistance to their surviving spouse and immediate dependents.

6.2 In furtherance of its objects, the Association shall:

6.2.1 Organize and unite all retired police officers to foster among them the spirit of fraternity, harmony, fellowship, solidarity and *esprit de corps* for the common goal of ameliorating their mutual interests and well-being with particular regard to pensions.

6.2.2 Secure and safeguard the legitimate and deserving interests, legal rights and privileges of members.

6.2.3 Take such measures as considered appropriate by the NEC, or approved by majority vote at Annual General Meeting (AGM) to protect, promote and represent the interests of the Association’s members and to provide a channel through which members can express their opinions in keeping with the objects of the Association.

6.2.4. Promote the spirit of self-help and independence by encouraging members to utilize their energy, talents, knowledge, skills and experience to benefit each other and the community at large.

6.2.5 Provide support to the National Police Service and perform such tasks as may be assigned by Inspector General.

6.2.6 Oppose discrimination on rank, race, tribe, creed, religion, age, political affiliation, disability, marital status, and sex within the Association.

6.2.7 Promote the efficiency and status of the Association and its Chapters.

6.2.8 Provide, promote and encourage contact and communication between the NEC and Chapter Secretariats.

6.2.9 Establish contact and liaise with such other bodies as deemed appropriate on matters of common interest and to join, or affiliate with other constituted bodies, of organizations, on payment or otherwise, in pursuing and furthering the objects of the Association.

6.2.10 Make representation to Police authorities or representative bodies, Government department and agencies in pursuing and furthering the objects of the Association.

6.2.11 Receive grants, donations, contributions and gifts from any person, firm, corporation or Government and other institutions towards achieving the objects of the Association.

6.2.12 Purchase, acquire, accept, sell or obtain on lease basis any property, or rights over any property or other assets subject to, and in keeping with the objects of the Association. In that regard, the Association shall maintain the right, subject to a minimum two-thirds agreement of the NEC, to refuse to accept ownership or rights to any property or assets offered, donated or gifted to the Association.

6.2.13. Manage, improve, develop, lease, mortgage, sell, dispose of, or turn to account, or otherwise deal with all, or any part of property, or rights of the Association.

6.2.14 Invest and deal with the liquid assets of the Association not immediately required in such manner as may be deemed appropriate by the NEC and to hold and otherwise deal with investments or acquisitions.

6.2.15 Make charitable and benevolent donations to such bodies and organizations as approved by the NEC.

6.2.16 Raise, lend or donate money where appropriate and secure the repayments of any money raised, lent or owing in such manner as may be deemed appropriate by the NEC, subject to the proviso that money can only be lent, or donated to a Chapter excepting under the provisions of Rule 6.2.12

6.2.17 Invest funds of the Association in such investment instruments as may be determined from time to time by the Board of Trustees.

6.2.18 Ensure the provision of appropriate commercial insurance to cover or indemnify members of the NEC, or other members nominated or appointed to represent the Association, against loss, damages, costs and demands made against them in respect of their representative duties for the Association subject to any prohibition at law.

6.2.19 To enrich the retirement experience of members through the provision of activities, information or events to allow for continual social and professional interaction with fellow retirees.

6.3 The Association shall be non-statutory and shall not supersede any national statutory, or representative body.

6.4 The Association shall be non-political and non-religious and a member who joins active politics shall not hold any office in the Association.

PART TWO - THE ASSOCIATION

ARTICLE 7 – ORGANISATIONAL STRUCTURE

7.1 The Association shall be comprised of members who join together to form its Chapters as detailed in Part Four of this Constitution. The Association shall be managed and administered by the National Executive Committee (NEC). The NEC shall be responsible for policy formulation and direction of the Association, with the oversight support of the Board of Trustees.

7.2 The NEC shall consist of the following: -

- a. Chairperson
- b. National Coordinator
- c. Vice-Chairperson (Administration and Finance)
- d. Vice-Chairperson (Recruitment/Coordination)
- e. Secretary
- f. Treasurer
- g. Public Relations/Communications Officer
- h. Not more than Four (4) other members
- i. Three (3) Chapter Representatives
- j. Assistant Secretary
- k. Assistant Treasurer
- l. Legal Officer

7.3 All members of the NEC shall be required to be active members within the Association.

7.4 Members of the NEC shall hold office for a renewable term of two (2) years, or until their successors have been elected and installed.

7.5 A member of the NEC shall not hold office for more than two terms.

7.6 OFFICES

7.6.1 The offices of Chairperson, National Coordinator and Vice-Chairpersons shall be appointed by the NEC from amongst its members and the appointees intimated to delegates for election at the Association's Annual General Meeting (AGM). The appointees shall be open to re-election for two terms only. The responsibilities and duties of these offices are as specified in the First Schedule.

7.6.2 The offices of Secretary, Treasurer, Public Relations/Communications Officer, Assistant Secretary and Assistant Treasurer shall be elected by the AGM and open to members of the Association on nomination from Chapters. Appointees shall remain in post until conclusion of the AGM corresponding with the fixed term of their appointment.

7.6.3 The offices of Secretary, Treasurer, Public Relations/Communications Officer, Assistant Secretary, Assistant Treasurer and Public Relations/Communications Officer shall be without voting powers, excepting where office is held in tandem as a Chapter Executive Delegate to the NEC in keeping with Article 7.6.2, in which case full and unrestricted voting rights shall apply.

7.6.4 Notwithstanding Article 7.6.3 above, the Secretary, Treasurer, Public Relations/Communications Officer, Assistant Secretary and Assistant Treasurer shall be:

a. Ex-officio members with full and unrestricted voting rights on all NEC sub-committees and NEC working groups constituted in keeping with Articles 14.1 and 14.2 of this Constitution.

b. Accorded full and unrestricted voting rights at all General meetings of the Association and when forming part of Appeals and Disciplinary Committee meetings constituted in keeping with Articles 16.1.2 and 16.2.3 of this Constitution.

c. The NEC Secretariat shall comprise (i) the Secretary (ii) the Assistant Secretary (iii) the Public Relations/Communications Officer and (iv) the National Police Service Coordinator(s).

d. The responsibilities and duties of these offices are as specified in the Second and Third Schedules respectively.

7.6.5 In the event of a vacancy occurring in the post of an appointed Officer as listed in Article 7.2, the NEC shall fill the vacancy from amongst its members, or by way of *ad hoc* co-option in keeping the provisions of Articles 7.6.2 and 7.6.3 of this Constitution. Such appointees shall hold office until the conclusion of the immediate next AGM.

7.7 The NEC shall appoint from amongst its members, including the Offices of Secretary, Treasurer, Public Relations/Communications Officer, Assistant Secretary and Assistant Treasurer where these offices are held without voting powers, representatives to such other outside bodies as it deems appropriate. Appointments shall be reviewed annually and where appropriate new appointment made. Where a representative appointee ceases to be a member of NEC, his/her representative appointment shall also cease.

7.8 In addition to powers of co-option in Article 7.6.5 above, the NEC shall have powers of *ad hoc* co-option. The number of *ad hoc* co-option at any one time shall not exceed two. *Ad hoc* co-options to the NEC shall be without voting powers.

7.9 In addition to the foregoing, the make- up of the NEC may include the Offices of Honorary Chairperson and Honorary Vice-Chairperson, which positions may be conferred from time to time at the AGM on recommendation by the NEC in recognition of outstanding service to the Association. These offices shall be open only to the Ordinary Members, Life Members and Association Honorary Members and in case of those holding Chapter Honorary Membership as defined in Articles 8.9.1 and 8.11.1 of this Constitution, shall be limited to those who have voting rights at Chapter level as defined in Article 8.9.3 of this Constitution. The Offices of Honorary Chairperson and Honorary Vice-Chairperson shall be in the form of consultants/advisors to the NEC without voting powers. Such appointments shall be for a period not exceeding two years.

7.9.1 Chapter Representatives to the NEC shall be nominated on rotational basis.

7.10 CHAPTER APPOINTED DELEGATES

7.10.1 Participation rights and full voting powers at all General Meetings of the Association shall be limited to Chapter Appointed Delegates, herein after referred as Chapter Delegates. The number of Chapter Delegates for each Chapter shall be without exception restricted to a maximum of four in number subject to the ratio of one delegate per 100 Ordinary Members, or part thereof, on the Register of members of the Chapter as at 31st July preceding the AGM. A delegate shall require to be a member of his/her Chapter Management Committee at the time of appointment and shall remain a delegate for General Meeting purposes until the following year's delegate appointments, or such time as replaced by formal intimation from the respective Chapter. Chapter Delegate appointments shall be made in writing to the NEC's Secretary not later than 30th August each year.

7.10.2 A member cannot be an appointed for more than one Chapter during the same period of (see Article 8.7.4 of this Constitution).

7.11 CHAPTER OBSERVERS

7.11.1 Chapter observers at the AGM shall require to be Ordinary, Life or Chapter Honorary Members of the Association. The number in attendance shall not exceed the number of their respective delegates, unless approved in advance by the NEC.

7.11.2 Chapter observers shall have no right of participation in AGM business, but subject to the discretion of the Chair and the delegates present, should be accorded an opportunity to provide input and/or take part in debate. Chapter observers shall have no voting powers.

7.12 NEC INVITED OBSERVERS

7.12.1 The NEC may invite such other observers to attend the AGM as it may consider appropriate in keeping with furthering the objects of the Association.

7.12.2 Any such observers in attendance at the AGM shall be present as guests of the Association. They shall have no voting rights or right of participation in AGM business, but subject to the discretion of the Chair and the delegates present, should be accorded an opportunity to provide input to the Conference.

PART THREE - GENERAL MEMBERSHIP

ARTICLE 8 - MEMBERSHIP

8.1 Membership of the Association shall be limited to members of the Association's Chapters in accordance with the criteria for membership and subject to the conditions, procedures and articles as contained within this Constitution, or any properly constituted provisions that may be approved at a General Meeting of the Association.

8.2 Membership shall comprise Ordinary Members, Life Members, Chapter Honorary Members and Chapter Associate Members and Association Honorary Members as defined hereafter.

8.3 All categories of members recognized by any of the Association's Chapters prior to the adoption of this Constitution on 29th September 2018 shall be recognized as members of the Association even if such members do not meet the criteria set herein. Such members shall retain such powers as may be open to them at their respective membership Chapter, but they shall have no voting rights or rights of representation on the NEC or at General Meetings of the Association.

8.4 Chapters shall keep a record of all classes of members, recording each member's (i) National Membership number (ii) Full Name (iii) Contact address (iii) and any such additional information that may be considered of benefit in meeting the objects of the Association.

8.5 In addition to the membership records maintained by Chapters, the NEC shall maintain a National database of all classes of Chapter Members and Association Honorary Members recording (i) National Membership number (ii) Full Name (iii) Contact address (iv) Date of birth and any such additional information that may be considered of benefit in meeting the objects of the Association.

8.6 The NEC shall be responsible for allocating a unique National Membership number to each member in a format set by the NEC. Chapters shall notify the NEC of all new members and on receipt of such notification, the NEC shall issue each of the new member with a National Membership number, which shall be adopted by Chapters and recorded in their membership records.

8.7 ORDINARY MEMBERSHIP

Ordinary Membership shall be open to:

a. Police officers who have retired on pension or resigned honorably, within the provisions of the National Police Act (2012), whether resident in Kenya or not.

b. Police officers who retired with 10 or more years' service on a deferred or transferred pension. Loss of pension rights shall result in membership of the Association being withdrawn without right of appeal.

8.7.1 The joining fee and subsequent annual renewal fee shall be at the sole discretion of the member's Chapter to which membership is attached. However, fees for Membership Cards shall be determined by the NEC's Secretariat.

8.7.2 Ordinary Membership shall be by individual personal application to one of the Association's Chapters, as listed in Part Four of this Constitution. The choice of Chapter shall be at the sole discretion of the applicant and, subject to the application being approved by that Chapter, shall be the member's Chapter.

8.7.3 An ordinary Member may be a member of more than one Chapter on payment of the appropriate respective Chapter membership fee, or change Chapter membership at any time on notification to each of the Chapters concerned. Any Chapter membership fee paid shall not be liable to refund.

8.7.4 A member with multiple Chapter membership cannot be an appointed Chapter Delegate for more than one Chapter during the same period of appointment (see Article 3.10.2 of this Constitution).

8.7.5 A Chapter shall have the right to reject any application for Ordinary Membership. Subject to the required criteria for membership having been met, a Chapter's refusal to grant Ordinary Membership shall be open to appeal to the NEC. In considering any such appeal, the NEC shall apply the appeal provisions contained within this Constitution under Article 13 and sub-articles thereto of this Constitution. The NEC's decision on appeal shall be final. The NEC's process and such records shall be maintained for a period of three (3) years from the date of its finding.

8.7.6 Ordinary Members shall be accorded full voting rights at their membership Chapter and in the case of a Chapter Appointed Delegate as defined in Article 3.1.1 of this Constitution, have full voting rights at the AGM and all other General Meetings of the Association.

8.7.7 Notification of granting Ordinary Membership shall be intimated to the Secretary of the NEC as soon as practicable, but in any case no later than twenty-eight (28) days from being granted. Notification shall be in the standard format set by the NEC.

8.8 LIFE MEMBERSHIP

8.8.1 Life Membership shall be conferred on an Ordinary Member of ten (10) years standing automatically and as a right in the calendar year of their 80th birthday and shall be free of charge. The occasion shall be marked by the awarding of a Life Membership Certificate provided by the NEC and administered by the Chapter of membership.

8.8.2 Life Members shall have full voting rights as if they were Ordinary Members as defined in Article 4.7.7 of this Constitution.

8.8.3 The Secretary of the NEC shall be responsible for ensuring the production of Life Membership Certificates and distribution to Chapters. Chapters shall be responsible for the delivery of Life Membership Certificates to the recipient members.

8.9 CHAPTER HONORARY MEMBERS

8.9.1 Chapter Honorary Membership shall be open for award by Chapters to mark exceptional service to the Chapter and shall require to be approved by the Chapter Annual General Meeting on recommendation by the Chapter Management Committee.

8.9.2 Chapter Honorary Membership shall be open to conferment without restriction subject to Article 8.9.1 above.

8.9.3 Where the recipient of Chapter Honorary Membership is an Ordinary or Life Member, his or her rights under Article 4.7 and 4.8 and the sub-articles thereto of this Constitution shall remain unaffected by the awarding of Honorary Membership. All other recipients shall have no voting rights at Chapter, or National level.

8.9.4 Chapter Honorary Membership shall be free from annual fee.

8.9.5 Notification of the granting of Chapter Honorary Membership shall be intimated to the secretary of the NEC as soon as practicable, but in any case not later than twenty-eight (28) days from being conferred. Notification shall be in the standard format set by the NEC.

8.10 CHAPTER ASSOCIATE MEMBERSHIP

8.10.1 Chapter Associate Membership shall be subject to implementation at the sole and absolute discretion of each Chapter and where such category of membership is implemented by a Chapter, membership shall be limited to that Chapter and not the Association as a whole and shall be without exception restricted to spouses or domestic partners of deceased Ordinary Members, Life Members and Chapter Honorary Members as defined under Articles 4.7, 4.8 and 4.9 respectively of this Constitution.

8.10.2 The charging of any fee attached to Chapter Associate Membership shall be at the discretion of the granting Chapter.

8.10.3 Chapter Associate Membership where granted shall be without voting rights.

8.10.4 Notification of the granting of Chapter Associate Membership shall be made to the Secretary of the NEC as soon as practicable, but in any case not later than twenty-eight (28) from being conferred. Notification shall be in the standard format set by the NEC.

8.11 ASSOCIATION HONORARY MEMBERSHIP

8.11.1 Association Honorary Membership shall be special category of membership in addition to Chapter Honorary Membership, restricted to conferment at the AGM on a unanimous recommendation tabled by the NEC in recognition of outstanding and prolonged service to the Association.

8.11.2 Association Honorary Membership shall be restricted to conferment on Ordinary Members, Life Members and Chapter Honorary Members of the Association.

8.11.3 Association Honorary Membership shall be non-Chapter related and shall be in addition to Chapter Membership which shall be unaffected.

8.11.4 Association Honorary Membership shall not affect the holder's rights, privileges and conditions applicable to him or her within their Membership Chapter in keeping with the status of their membership.

PART FOUR – CHAPTERS

ARTICLE 9 – COUNTY CHAPTERS:

9.1 The Association shall have forty-seven Chapters at the County level in conformity with the First Schedule, on Article 6(1) of the Constitution of Kenya (2010), for effective coordination. The Chapters are listed in the Fifth Schedule of this Constitution

9.2 Chapter recognition shall be subject to, and conditional on, the unequivocal requirement that such recognition shall require each Chapter so recognized to adopt and fully implement the Association's Constitution and any properly constituted amendments thereto, or any supporting Bylaws, or other provisions that may be approved by the NEC.

9.3 The acceptance of Article 9.2 above shall be implicit in a Chapter's acceptance of recognition. Any Chapter failing to fully comply with Article 9.2 shall be considered in breach of the Association's Constitution and open to disciplinary action under the provisions of Article 12.2.1 of this Constitution.

9.4 Chapters shall enjoy autonomy and shall have equal rights at National level within the Articles of the Association.

9.5 Chapters may adopt their own rules and procedures under the proviso that these shall not be inconsistent with the Articles contained within this Constitution. In the event of a Chapter intending to adopt its own Constitution, that shall require to make reference to the adoption of the Association's Constitution as detailed in Article 9.2 above and shall require the approval of the NEC before implementation.

9.6 All applications for Chapter recognition in addition to the forty-seven Chapters contemplated at Article 9.1 above, or any proposed amalgamation of existing Chapters shall be made in writing to the NEC. All such applications shall require to be placed before a General Meeting of the Association and be subject to a two-thirds majority decision of Chapter Delegates in attendance. The meeting's decision shall be final.

9.7 The disbandment and winding up of a Chapter shall be subject to the process detailed in Article 6.11 and the sub-articles thereto of this Constitution.

ARTICLE 10 – CHAPTER ADMINISTRATION

10.1 Each Chapter shall be headed by a Chapter Chairman.

10.2 In keeping with the autonomy enjoyed by Chapters under the provisions of this Constitution, each Chapter shall be responsible for its own administration and for conducting its affairs subject to the Articles contained herein.

10.3 Each Chapter shall be required to maintain administrative and financial records, including minutes of all meetings and items of correspondence and other material relative to the conduct of its affairs. All records shall be kept for a minimum period of six clear years from

the administrative year-end to which they refer. Records shall be open to inspection by Chapter Ordinary Members and Life Members on written request, or by the NEC on seven days' notice in writing by the NEC's Secretary.

10.4 The powers invested in the NEC contained in the objects of the Association and set forth in Article 6 and the sub -articles thereto, excepting 6.2.7, 6.2.8 and 6.2.14 shall be open to each Chapter Committee at Chapter level but not beyond, as if reference to 'NEC' reads Chapter Committee and the reference to the 'Association' reads Chapter. In addition, a Chapter Committee may make such charitable and benevolent donation as it deems appropriate.

10.5 All matters to be raised with, or referred to the NEC shall be processed through the Chapter's representative on the NEC, unless otherwise stated in this Constitution.

10.6 CHAPTER COMMITTEES

10.6.1 Each Chapter shall have a Committee of Management, herein referred to as the Chapter Committee, that shall be appointed at a Chapter Annual General Meeting, herein referred to as the Chapter AGM.

10.6.2 A Chapter Committee shall consist of a Chairperson, Secretary and Treasurer, and such other officers as may be deemed appropriate at Chapter level, and at least two other members. Appointments shall be by election from the Chapter's Ordinary and Life Member in accordance with Articles 10.9.8 and 10.9.9 of this Constitution. Persons so appointed shall remain in post until the end of the immediate next Chapter AGM, or for such other period not exceeding three consecutive years ending at the conclusion of the third AGM following the appointment. All offices may be open to re-election without time restriction.

10.6.3 A Chapter Committee shall have powers to fill any vacancy on its Committee by power of co-option. Such co-opted member shall have full voting rights as if appointed at the Chapter AGM. Appointments by co-option to the Committee shall cease immediately following the first Chapter AGM after the date of the co-option.

10.6.4 In addition to Article 10.6.3 above, Chapter Committees shall have powers of *ad hoc* co-option. The number of *ad hoc* co-options at any one time shall not exceed two. *Ad hoc* co-option to a Chapter Committee shall be without voting powers.

10.7 CHAPTER MEETINGS

10.7.1 Chapter Committees shall meet three times each year, or as often as each Committee deems appropriate in meeting the needs of its Chapter. The quorum for such meetings shall

be two thirds of the membership. Minutes of all meetings shall be maintained in keeping with Article 10.3 of this Constitution.

10.8 CHAPTER FINANCES

10.8.1 The Financial year of all Chapters be from 1st July to 30th June.

10.8.2 Each Chapter Committee shall be responsible for maintaining an adequate financial accounting system in recording their financial affairs.

10.8.3 Each Chapter shall cause its accounts to be examined annually by two examiners independent of the Chapter Management Committee, or failing which by the NEC, and prepare an Annual Statement of Income and Expenditure certified by the examiners which shall be presented to its members at General Meeting. A copy of the Certified Annual Statement of Income and Expenditure endorsed at General Meeting shall be forwarded to the NEC's Secretary by 31st December.

10.8.4 Each Chapter shall operate a Bank Account in the name of the Chapter through which its financial affairs shall be conducted. Each Chapter may operate such other Bank, Building Society or Investment Accounts as it deems necessary for the good financial administration of the Chapter, under the proviso that each Account must be in the name of the Chapter. All such Accounts shall be administered by at least two signatories.

10.8.5 Subject to the provisions of Article 15.14, each Chapter shall make an annual capitation payment to the NEC at the per capita level set at the AGM and calculated on the number of Ordinary Members on the Chapter's Register of Members as at 30th June. Such payments shall require to be made to the NEC's Treasurer not later than 1st December.

10.9 DISCIPLINARY ACTION

10.9.1 Where there is good and sufficient reason to believe that a Chapter member has committed a serious act of misconduct in breaching the rules of the Chapter and/or the Association, or has committed any act which could be considered detrimental to the interests of the Association, or has otherwise brought the Association or its members directly or indirectly into disrepute, then that member shall be open to Chapter disciplinary action.

10.9.2 Where the disciplinary action relates to a Chapter Office Bearer, then the matter shall be referred to the NEC for action and shall only be dealt with at Chapter level on specific instructions of the NEC.

10.9.3 The Chapter Committee shall set up a disciplinary hearing and in so doing appoint a Disciplinary Committee of at least three members, one of whom shall be an officer of the Chapter excepting the Chairperson, to investigate, examine and report on the matter to the Chapter Committee. The Chapter Secretary shall cause notification of such proceedings to be

intimated in writing to the member subject of the hearing, not later than fourteen days from the date of proceedings being implemented. In addition, notification of such proceedings shall be intimated in tandem to the NEC's Secretary for information purposes only.

10.9.4 Every endeavor shall be made to have the matter brought before the Chapter Management Committee for consideration at an early date with the aim to have the matter concluded within twelve weeks of the proceedings being implemented. Suspected criminal acts shall without exception be reported to the appropriate authority.

10.9.5 The matter shall be heard before the Chapter Management Committee at a specially convened disciplinary hearing for its findings on a majority basis.

10.9.6 Each member subject of the disciplinary action shall be issued with a formal written invitation to attend a specially convened disciplinary hearing. The invitation shall be sent by recorded delivery post addressed to the member's home address as recorded in the Chapter's Register of Members. The invitation shall contain the reason for the disciplinary hearing being convened and shall give at least fourteen days' notice of the date, time and venue of the hearing.

10.9.7 In the event that a member subject of the disciplinary action intimates that the date or time set for the hearing is unsuitable, every effort shall be made to agree a mutually convenient date and time, failing which a new date and time shall be fixed and stand unless there is a good reason to the contrary.

10.9.8 Any new date and time set for the hearing shall be intimated as detailed in Article 10.9.6 above and the hearing shall proceed even if a member subject to hearing is not in attendance.

10.9.9 In the event of disciplinary measures being invoked, these shall be restricted to:

- a. Admonition without warning.
- b. Admonition with warning as to future conduct.
- c. Suspension from membership for a time limited period.
- d. Expulsion.

10.9.10 When the decision is taken to admonish, suspend or expel a member under this Constitution, the principles of natural justice shall apply.

10.9.11 The findings of the disciplinary hearing shall be conveyed in writing to each member subject of the hearing, not later than fourteen days from the date of the findings and in the case of disciplinary action being taken shall include information on the appeal process. The Chapter shall also submit a report on its findings and actions to the NEC's Secretary within four weeks of the date of the disciplinary hearing.

10.9.12 Any member subject of disciplinary action shall have the right of appeal to the NEC. All such appeals shall require to be made in writing to the NEC's Secretary and made within a period of six weeks of the Chapter Committee's disciplinary hearing.

10.9.13 The NEC's appeal's process will be implemented and its findings shall be final.

10.9.14 All records of the disciplinary process and proceedings shall be maintained for a period of at least six years from the year end following the disciplinary action.

10.10 CHAPTER ANNUAL GENERAL MEETINGS

10.10.1 Each Chapter shall hold a Chapter AGM during the month of October, or subject to requirements to the contrary, at any other time being not less than nine months or more than fifteen months from the date of the last Chapter AGM. The date, time and venue of a Chapter AGM shall be determined by the respective Chapter Committee.

10.10.2 The quorum for a Chapter AGM shall be two thirds of voting members.

10.10.3 The method of voting at the Chapter AGM shall be open to decision by members present at the meeting and shall be by a show of hands unless otherwise approved. No postal or proxy votes shall be allowed.

10.10.4 Voting shall be by simple majority with the Chairperson having an additional or casting vote in a tied vote.

10.10.5 The proposed date of a Chapter AGM shall be intimated to the NEC's Secretary at least four weeks prior to the date of the meeting. Where the date for a Chapter AGM cannot be held during the month of October, this shall be subject of a written explanation to the NEC at early date but no later than the first day of October of that year.

10.10.6 The date, time and venue of a Chapter AGM shall be called by the Chapter Committee and intimated in writing to its members, or by other forms of notification agreed at Chapter Annual or Extra-Ordinary General Meetings. Notification of the meeting shall be issued at least fourteen clear days from the date of the meeting.

10.10.7 Notices of Motion to be tabled at a Chapter AGM shall require to be in the hands of the Chapter Secretary not later than forty-eight clear days from the date of the meeting and shall only be accepted from Ordinary and Life Members or Chapter Honorary Members who have full voting rights as detailed in Article 8.9.3 of this Constitution.

10.10.8 The business to be transacted at Chapter AGM shall be:

- a. To receive the Management Committee's Annual Re

- b. To receive the Management Committee's Financial Statement;
- c. To elect Management Committee for ensuing year;
- d. To elect a Chairperson from the newly appointed Committee (see Article 10.10.9 below);
- e. To elect a Secretary from the newly appointed Committee (see Article 10.10.9 below);
- f. To elect a Treasurer from the newly appointed Committee (see Article 10.10.9 below);
- g. To elect such other office bearers as may be deemed appropriate from the newly appointed Committee.
- h. To appoint members of the elected Chapter Management Committee as the Chapter's Appointed Delegates as defined in Article 7.10.1 of this Constitution, subject to the ratio of one delegate per 100 Ordinary Members as at 30th July preceding the Chapter AGM, subject to the number of delegates being limited to a maximum of four;
- i. To elect one of the appointed delegates as in (h) above as the Chapter's nominated appointee to the NEC;
- J. To appoint a minimum of two Account examiners independent of the Management Committee; and
- k. To transact any other competent business.

10.10.9 In keeping with standing practice at the time of adopting this Constitution, or where a Chapter deems it appropriate in conducting its affairs, Chapter Office Bearers may be appointed annually by the Chapter Committee from amongst its elected members and not at the Chapter AGM. Where such a procedure is adopted, the appointments shall be made at the first meeting of the Chapter Committee following Chapter AGM.

10.11 CHAPTER EXTRAORDINARY GENERAL MEETINGS

10.11.1 A Chapter Extra-Ordinary General Meeting maybe called at any time on the agreement of the Chapter Committee, or on a written petition being delivered to the Chapter Secretary setting forth the reason for the calling of the meeting and signed by a minimum of twenty (20) voting members of the Chapter.

10.11.2 On receipt of a request to call an Extra-Ordinary General Meeting in accordance with Article 10.11.1 above, the request shall be actioned and a date, time and venue set for the meeting within eight weeks of the request being received.

10.11.3 The date, time and venue of an Extra-Ordinary General Meeting shall be set by the respective Chapter Committee and a Notice calling the meeting shall be intimated in writing

to its members, or by other forms of notification agreed at a Chapter General Meeting, detailing the reason for the meeting and the business for discussion, including any motion or motions being tabled. Notification for the meeting shall be issued at least twenty-eight clear days from the date of the meeting.

10.11.4 The quorum for a Chapter Extra-Ordinary General Meeting shall be six voting members.

10.11.5 The method of voting at all Chapter Extra-Ordinary General Meetings shall be open to decision by the members present at the meeting, unless otherwise approved. No postal or proxy votes shall be allowed.

10.11.6 Voting shall be by simple majority with the Chair having an additional or casting vote in a tied vote.

10.11.7 Notification of all Chapter Extra-Ordinary Meeting shall be intimated to the NEC Secretary as soon as practicable but notwithstanding at least four weeks prior to the date of the meeting. Such notifications shall contain an explanation for the calling of the meeting and a copy of the Notice to Chapter members calling the meeting.

10.12 CHAPTER DISBANDMENT

10.12.1 Any Chapter seeking to disband shall require to call an Extra-Ordinary General Meeting of its members, or for whatever reasons failing which, it is for the NEC to convene and chair a meeting of Chapter members for the specific purpose of disbandment. In the case of the latter, the quorum for the meeting shall be six, excluding the NEC representatives present who are not members of the Chapter.

10.12.2 The Chapter Committees shall notify the NEC's Secretary in writing of any proposal to disband.

10.12.3 A motion to disband shall require the approval of two-thirds majority of the voting members present. In the event that a quorum is not achieved, the meeting shall be reconvened within four weeks at which time if the meeting is still inquorate, the matter of disbandment shall fall to NEC whose majority decision shall be final.

10.12.4 In the event of a Chapter being disbanded, all members of that Chapter shall have their membership automatically re-assigned to the Chapter of their choice or, failing which, to a Chapter selected on a geographical basis by the NEC.

10.12.5 The assets of a disbanded Chapter shall become the property of the Association to be retained or disbursed by the NEC as it deems appropriate. All of its books of accounts and administrative records shall be handed over to the Association's NEC and shall be retained for a minimum period of six years from the effective date of disbandment.

PART FIVE – NEC POWERS AND ADMINISTRATION

ARTICLE 11 – POWERS

11.1 The affairs of the Association shall be vested in the NEC constituted and formed under the provisions of the administration structure detailed in Part Two of this Constitution and to do so, it may make, revoke, or amend Association's policies and procedures, provided such policies and procedures are consistent with the provisions of this Constitution.

11.2 The NEC shall have all legal powers to conduct the general and financial affairs of the Association and to make such subsidiary rules and guidelines as deemed necessary for the good conduct of the Association and its Chapters, all of which shall be subject to and in keeping with the objects of the Association.

11.3 Decisions made by the NEC and actions implemented can be open to discussion and rescinded at a General Meeting of the Association upon a properly constituted Notice of Motion, excepting in the case of appeal and disciplinary findings in which the NEC's decision shall be final. Any motion tabled to rescind the actions of the NEC shall require the approval of at least two-thirds majority vote.

11.4 Chapters, while being autonomous in relation to administering Chapter affairs, shall be answerable and held accountable to the NEC in meeting the objects of the Association, administering membership provisions and in complying with the provisions of this Constitution.

11.5 All heritable property owned or administered by the Association shall be vested in the names of the NEC's Executive, who shall be the NEC's Chairperson, Vice-Chairpersons, Secretary and Treasurer.

11.6 Subject to Article 2.2 of this Constitution, the NEC shall have authority to interpret the meaning of this Constitution and any other matter relating to the affairs of the Association on which this Constitution is silent

ARTICLE 12 – ADMINISTRATION

12.1 The NEC shall maintain administrative and financial records, including minutes of all meetings and items of correspondence and other material relative to the conduct of its affairs.

12.2 All records shall be kept for a minimum period of six clear years from the administrative year-end to which they refer. Records shall be open for inspection by Chapter Delegates on written request to the NEC's Secretary

ARTICLE 13 – MEETINGS

13.1 The NEC shall meet four times each year, or as often as it deems appropriate in meeting the needs of the Association. The quorum for such meetings shall be eight (8). Minutes of all meetings shall be maintained in keeping with Article 12.1 of this Constitution.

13.2 The date, time and venue for meetings shall be agreed at the preceding meeting of the NEC and the Agenda, supporting papers and other material for the meeting shall be circulated to the NEC members at least fourteen days prior to the meeting.

13.3 Items for the Agenda shall be accepted only from members of the NEC and shall require to be intimated to the Secretary at least twenty-eight days prior to the meeting.

13.4 Where a member is unable to attend a meeting and a proxy is to be in attendance under the provisions of Article 18.2 of this Constitution, the NEC's Secretary should be notified accordingly in advance of the meeting and provided with the name of the proxy.

ARTICLE 14 – SUB-COMMITTEES AND WORKING GROUPS

14.1 In addition to a Chapter Appeals Committee as detailed in Article 16.1 of this Constitution, the NEC shall have unrestricted power to set up such sub-committee and working groups, as deemed appropriate to formulate policy, review, investigate, consider and report on any matters in keeping with and furthering the objects of the Association. Clear terms of reference (TORs) shall be set out for each sub-committee or working group.

14.2 All sub-committees and working groups set up by the NEC, excepting its Chapter Appeals Committee, shall have at least two office bearers in its make-up one of whom shall be the Secretary. The Chair shall be appointed by the NEC. Where the matter or matters to be considered concern constitutional issues, then the sub-committee or working group should include the Chairperson, Vice-Chairpersons, Secretary, Treasurer and Legal Officer.

ARTICLE 15 – FINANCES

15.1 The amount of membership annual subscription shall be determined by the NEC.

15.2 Where necessary, a membership renewal notice will be sent to all members each year.

15.3 The annual subscription of a member is due and payable on the first of January each year.

15.4 Any member who fails to pay their annual subscription by the last day of December each year shall cease to be a member until they have paid their yearly membership fee in full.

15.5 The Association may receive other funds from other sources and benefactors in support of its objects as envisaged under Article 6.2.11 of this Constitution

15.6 The Association shall require each Chapter to make annual payment to its funds in the form of capitation levy based on the number of Ordinary Members on the Chapter's Register of Members as at 30th June. Such payments shall require to be made to the NEC's Treasurer no later than 1st December.

15.7 The capitation levy shall be set each year at the AGM on a simple majority vote.

15.8 The NEC's financial year shall be from 1st July to 30th June.

15.9 The NEC shall be responsible for maintaining an adequate financial accounting system in recording its financial transactions.

15.10 The Association's accounts shall be examined annually by any two of the three examiners appointed from delegates at the AGM. The appointed examiners shall be independent of the NEC. In the event of the number of examiners falling below three during the financial year, the NEC shall have power to appoint a replacement being an appointed Chapter Delegate and independent of the NEC.

15.11 An Annual Statement of Income and Expenditure certified by the examiners shall be presented at the AGM.

15.12 The NEC shall operate a Bank Account in the name of the Association through which its financial affairs shall be conducted. The NEC shall operate such other Bank, Building Society or Investment Accounts as it deems necessary for the good financial administration of the Association under the proviso that each account must be in the name of the Association.

15.13 All Bank, Building Society or Investment Accounts shall be in the name of the Association and operated in the name of Chairperson, Secretary and Treasurer, or such other persons as may be deemed appropriate. All such accounts shall be administered by at least two signatories for all debit transactions.

15.14 The implementation of the provisions under Articles 15.6; 15.7 and 15.8 above shall be subject to adoption of a Financial Policy in the administration of the Association's financial affairs.

PART SIX

NEC APPEALS AND DISCIPLINARY PROCEDURES

ARTICLE 16 – DISCIPLINARY MATTERS

16.1 CHAPTER DISCIPLINARY APPEALS

16.1.1 In dealing with Chapter Disciplinary Appeals under Article 10.9.11 of this Constitution arising from a Chapter Disciplinary hearing, all such appeals shall be heard before the NEC's Chapter Appeals Committee.

16.1.2 The NEC's Chapter Appeals Committee shall comprise five members of the NEC, and shall include the Chairperson, Vice-Chairperson(Administration), Secretary and Treasurer along with one other member of the NEC agreed by them. No member of the Chapter Appeals Committee shall be a member of the originating Chapter. Where an NEC office bearer is a member of the originating Chapter, a second member of the NEC shall be likewise appointed.

16.1.3 All appeals shall require to be made in writing to the NEC's Secretary in accordance with Article 10.9.11 of this Constitution and shall be acknowledged in writing within fourteen days of receipt.

16.1.4 Each member subject of an appeal shall be issued with a formal written invitation to attend a specially convened appeal hearing no later than twelve weeks from the date of the appeal being received. The invitation shall contain the date, time and venue of the appeal hearing and be sent by recorded delivery post addressed to the appellant's address as recorded in the Association's Register of Members.

16.1.5 In the event that a member subject of the appeal intimates that the date or time set for the hearing is unsuitable, every effort shall be made to agree a mutually convenient date and time, failing which a new date and time shall be fixed and stand unless there is good reason to the contrary.

16.1.6 Any new date set for the appeal hearing shall be intimated as detailed in Article 16.1.3 above.

16.1.7 In the event that the member subject of the appeal, who has been properly notified, fails to attend an appeal hearing set under Article 16.1.5 above, the appeal shall be dismissed and the matter concluded without redress.

16.1.8 The NEC Chapter Appeals Committee's findings on the appeal shall be conveyed in writing by recorded post to each member subject of the appeal and copied to the related Chapter no later than fourteen days from the date of the findings.

16.1.9 The NEC Chapter Appeals Committee's findings shall be final.

16.1.10 All records of the appeals process and proceedings shall be maintained for a period of at least six years from the year-end following the appeal.

16. 2 DISCIPLINARY ACTION

16.2.1 Where there is good and sufficient reason that a Chapter or a Chapter member has committed a serious act of misconduct in breaching the provisions of the Constitution, or has committed an act which could be considered detrimental to the interests of the Association, or has otherwise brought the Association or its members directly or indirectly into disrepute, then the Chapter or member shall be open to disciplinary action. In the case of the Chapter, any disciplinary action shall be taken against its principal office bearers namely, Chairperson, Secretary and Treasurer.

16.2.2 Where the disciplinary action matter relates to a Chapter member, the matter shall be referred to the member's Chapter for such actions as it may be deemed appropriate, excepting in the case of Chapter Officers when the matter will be dealt with in the first instance by the NEC.

16.2.3 The NEC shall set up a disciplinary hearing and in so doing appoint a sub-committee of at least three members, one of whom shall be an officer of the NEC, excepting the Chairperson to investigate, examine and report on the matter to the NEC Disciplinary Committee. No member of the sub-committee shall be a member of the related Chapter. The NEC's Secretary shall cause notification of such proceedings to be intimated in writing to each member subject of the action and copied to their Membership Chapter no later than fourteen days from the date of proceedings being implemented.

16.2.4 Every endeavor shall be made to have the matter brought before the NEC Disciplinary Committee for consideration at an early date with the aim to have the matter concluded within twelve weeks of proceedings being implemented. Suspected criminal acts shall without exception be reported to the appropriate authority.

16.2.5 Each member subject of disciplinary action shall be issued with a formal written invitation to attend a specially convened disciplinary hearing. The invitation shall contain the date, time and venue of the hearing and shall be sent by recorded delivery post addressed to the member's address as recorded in the Association's Register of Members. The invitation shall contain the reason for the disciplinary hearing being convened and shall give at least fourteen days' notice of the date of hearing.

16.2.6 In the event that a member subject of the disciplinary action intimates that the date or time set for the hearing is unsuitable, every effort shall be made to agree a mutually convenient date and time failing which a new date and time shall be fixed and stand, unless there is good reason to the contrary.

16.2.7 Any new date and time set for the hearing shall be intimated as detailed in Article 16.2.5 above and the hearing shall proceed even if the member subject to the hearing is not in attendance.

16.2.8 The matter shall be heard before the Disciplinary Committee of the NEC, which shall comprise of five members, excluding the Chairperson, for its findings on a majority basis. No member of the Disciplinary Committee shall be a member of the related Chapter. In the event of disciplinary measures being invoked, these shall be restricted to:

- a. Admonition without warning.
- b. Admonition with warning as to future conduct.
- c. Suspension from membership for time limited period.
- d. Expulsion.

16.2.9 The NEC's Disciplinary Committee's findings shall be conveyed in writing to each member subject of the hearing and copied to their Membership Chapter not later than fourteen days from the date of the findings and in the case of disciplinary action being taken shall include information on the appeals process. A copy of the findings shall also be reported to the NEC.

16.2.10 Any Chapter or member subject of disciplinary action shall have the right of appeal to the NEC. All such appeals shall require to be made in writing within six weeks of the Disciplinary Committee's findings.

16.2.11 All records of the disciplinary process and proceedings shall be maintained for a period of at least six years from the year-end following the disciplinary action.

16.3 DISCIPLINARY APPEALS

16.3.1 In dealing with appeals under Article 16.2.10 above arising from a NEC Disciplinary hearing, the appeal shall be heard before a special meeting of the NEC convened for that purpose. The members of the NEC hearing the appeal shall not include members of the Disciplinary Committee or a member of the related Chapter, but they may be called to provide information.

16.3.2 All appeals shall require to be made in writing to the NEC's Secretary in accordance with Article 16.2.10 of this Constitution and shall be acknowledged in writing within fourteen days of receipt.

16.3.3 Each member subject of an appeal shall be issued with a formal invitation to attend a specially convened appeal hearing no later than twelve weeks from the date of the appeal being received. The invitation shall contain the date, time and venue of the appeal hearing and be sent by recorded delivery post addressed to the appellant's home address as recorded in the Associations Register of Members.

16.3.4 In the event that a member subject of the appeal intimates that the date and time set for the hearing is unsuitable, every effort shall be made to agree a mutually convenient date and time filing which a new date and time shall be fixed and stand, unless there is good reason to the contrary.

16.3.5 Any new date and time set for the appeal hearing shall be intimated as detailed under Article 16.3.3 above.

16.3.6 In the event of the member subject of the appeal fails to attend an appeal hearing set under Article 16.3.5 above, the appeal shall be dismissed and the matter concluded without redress.

16.3.7 The NEC's findings on the appeal shall be conveyed in writing by recorded post to each member subject of the appeal and copied to the member's Chapter no later than fourteen days from the date of the findings.

16.3.8 The NEC's findings on the appeal shall be final.

16.3.9 All records of the appeal process and proceedings shall be maintained for a period of at least six years from the year-end following the appeal.

ARTICLE 17 - APPEALS AGAINST MEMBERSHIP REFUSAL

17.1 In the event that a Chapter refuses an application for membership which otherwise meets the criteria for membership, the applicant shall have the right of appeal to the NEC. All such appeals shall be heard before the NEC's Chapter Appeals Committee as defined in Article 16.1.2.

17.2 All such appeals shall be dealt with in the same manner as if the appeal were a Chapter Disciplinary Appeal as detailed in Article 16.1 and the sub-rules thereto of this Constitution. The NEC's Chapter Appeals Committee's findings shall be final.

17.3 Where the NEC's Chapter Appeals Committee finds in favour of the appellant, the Committee may direct the Chapter to accept and process the application, or alternatively, it may direct the application to another Chapter of its choosing. In any event, membership shall require to be granted.

PART SEVEN - NEC GENERAL MEETINGS

ARTICLE 18 – ASSOCIATION’S ANNUAL GENERAL MEETING

18.1 The Association shall hold an Annual General Meeting (AGM) during the month of September, or subject to requirements to the contrary at any other time being not less than nine months or more than fifteen months from the date of the last Annual General Meeting.

18.2 Attendance at the AGM shall be limited to Chapter Delegates, Chapter observers and NEC invited observers.

18.3 The quorum for the AGM shall be two thirds (2/3) of the association’s delegates.

18.4 The date, time and venue of an AGM shall be set by the NEC and tabled for agreement at the preceding Annual Conference. The NEC shall have power to change the date, time and venue of the Annual Conference to meet any extenuating circumstances, or the needs of the Association. In the event of any change to the approved date, time and venue of the AGM, Intimation of the change or changes shall be made in writing by the NEC to all Chapters at an early date, but in any case within fourteen days of the change or changes being agreed.

18.5 Formal Notice calling the AGM, including supporting documentation, shall be circulated by post, or by such other forms of notification as may be considered appropriate, to Chapter Delegates at least twenty-eight clear days prior to the date of the AGM.

18.6 Notices of Motion to be tabled at the AGM and items for inclusion in the Agenda shall require to be in the hands of the NEC Secretary no later than forty-eight clear days from the date of the conference and shall only be accepted from the NEC, or through the offices of Chapter Secretaries.

18.7 Nominations for appointment to fill any vacancies occurring in the offices of the Association as detailed in Article 7.6.2 of this Constitution shall require to be in the hands of the NEC Secretary no later than forty-eight clear days from the date of the AGM at which the appointment is to be made. Such nominations shall only be accepted from the NEC, or through the offices of Chapter Secretaries.

18.8 The method of voting at the AGM shall be open to decision by the delegates present at the AGM and shall be by a show of hands, unless otherwise approved. Proxy votes shall not be allowed. No postal votes shall be accepted.

18.9 Voting shall be by simple majority with the Chair of the AGM having an additional or casting vote in a tied vote, excepting the case of proposed alterations to the Association's Constitution which shall require a two-thirds clear majority vote for implementation.

18.10 The business to be transacted at the AGM shall be:

- a. To record the appointment of Chapter Delegates (article 7.10.1);
- b. To receive the Secretary's Annual Report;
- c. To receive the Treasurer's Financial Report and the Association's Annual Financial Statement;
- d. To record the appointment of Chapter Executive Delegates to the NEC (Article 7.1);
- e. To record the NEC's appointment of the Chairperson and Vice-Chairpersons (Article 7.6.1);
- f. To appoint as appropriate, a Secretary, Treasurer, Assistant Secretary and Assistant Treasurer (Article 7.6.2);
- g. To receive as appropriate, nominations for the post of Honorary Chairperson and Vice-Chairpersons;
- h. To appoint three members of the Association as Account Examiners independent of the NEC;
- i. To receive and consider Notices of Motion;
- j. To transact any other competent business.

ARTICLE 19 - ASSOCIATION'S EXTRA-ORDINARY GENERAL MEETINGS

19.1 An Association Extra-Ordinary General Meeting may be called at any time by (i) a simple majority vote of the NEC, (ii) the joint agreement of any three of the four principal office bearers, or (iii) on receipt of a written petition from a Chapter Secretary delivered to the NEC Secretary setting forth the reasons for calling an Extraordinary General Meeting and signed by a minimum of twenty voting members of the Chapter.

19.2 Attendance at an Extra-Ordinary Meeting of the Association shall be limited to Chapter Delegates.

19.3 The quorum for an Extra-Ordinary General Meeting of the Association shall be ten voting members.

19.4 On receipt of a request for an Extra-Ordinary General Meeting in accordance with Article 19.1 above, the request shall be actioned and a date, time and venue set for the meeting within eight weeks of the request being received.

19.5 The date, time and venue of an Extraordinary General Meeting shall be set by the joint agreement of at least three of the NEC principal office bearers or, failing which, at a meeting of the NEC.

19.6 A Notice calling the meeting shall be intimated in writing to all Chapter Delegates, or by any other forms of notification agreed at a General Meeting of the Association, detailing the reasons for the meeting and the business for discussion, including any motion or motions being tabled. Notification for the meeting shall be issued at least twenty-eight clear days from the date of the meeting.

19.7 The method of voting at an Extra-Ordinary General Meeting shall be open to decision by the delegates present at the meeting and shall be by a show of hands unless otherwise approved. Proxy votes shall not be allowed. No postal votes shall be accepted.

19.8 Voting shall be by simple majority with the Chair of the meeting having an additional or casting vote in a tied vote, excepting in the case of proposed alteration to the Association's Constitution which shall require a two-thirds clear majority vote for implementation.

PART EIGHT - GENERAL PROVISIONS

ARTICLE 20 - BOARD OF TRUSTEES

20.1 There shall be a Board of Trustees of the Association comprising of following.:

- Retired Inspector Generals.
- Retired Deputy Inspector Generals.
- Retired Commissioners of the Kenya Police Force.
- Retired Commandants of the Administration Police Force.
- Retired Directors of Criminal Investigations.
- Retired Directors of National Security Intelligence Service.

20.2 The Board of Trustees shall have fiduciary responsibility for the general administration and oversight on the implementation of the broad policies of the Association. The Board's specific responsibilities and duties are as stipulated in the Seventh Schedule of this Constitution.

20.3 The board of Trustees shall elect a chairman from among their members

20.4 The Chairperson of the Association shall be the Secretary to the Board of Trustees.

ARTICLE 21 - PATRON AND DEPUTY PATRONS

21.1 The Inspector General of the National Police Service shall be the Patron of the Association.

21.2 The Deputy Inspector General of Kenya Police Service, the Deputy Inspector General of Administration Police Service and the Director of Directorate of Criminal Investigations shall be the Deputy Patrons of the Association.

ARTICLE 22 - LOGO AND MEMBERSHIP IDENTITY CARD

22.1 The Association shall have a Logo to be approved by the National Executive Committee, ratified by the Board of Trustees and adopted by the Association's Annual General Meeting.

22.2 The Association shall have a Membership Identity Card

ARTICLE 23 - SEAL

23.1 The Association shall have an official Seal.

ARTICLE 24 - AFFILIATION

24.1 The Association may be affiliated to other associations or bodies in pursuit of mutual interest and especially furtherance of its objects in accordance with Article 6.2.9 of this Constitution.

ARTICLE 25 - RULES AND CODE OF CONDUCT

25.1 The National Executive Committee shall prescribe Rules and Code of Conduct that shall be adopted by a two-thirds majority of the members of the Association in an Annual General Meeting.

25.2 All members of the Association shall be required to adhere to the Rules and Code of Conduct, failure to which they may be liable to appropriate action thereof, and/or under Part Six of this Constitution.

ARTICLE 26 - NON- PROFIT STATUS

26.1 The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects of the Association and no portion shall be paid or transferred directly or indirectly, by way of dividend, bonus or other payments to any member of the Association.

26.2 This Article, however, does not prevent the payment in good faith of remuneration to any officer or servant of the Association, or to any member of the Association in return for any service actually rendered to the Association, or reasonable and proper rental for premises.

ARTICLE 27 - CONFLICT OF INTEREST

27.1 Any officer or member of the Association having a direct or indirect pecuniary interest in a contract, or proposed contract with the Association must disclose the nature and extent of that interest whenever said contract is before a meeting and shall not vote with respect to that contract or proposed contract.

ARTICLE 28 – ATTENDANCE OF NPS IN ASSOCIATION'S MEETINGS

28.1 The Inspector General or his representative may attend the Association's Annual General Meeting, while the County Commanders, or their representatives, may attend the Chapter Meetings.

ARTICLE 29 - AMENDMENT TO THE CONSTITUTION

29.1 Amendments to the Constitution shall be open to the NEC and the Chapters subject to these being constitutionally tabled as Notices of Motion at an Annual General Meeting, or a Special General Meeting and under the strict proviso that they are legal and do not materially alter the objects of the Association.

29.2 The Secretary of the NEC shall notify all members not less than fourteen (14) days before the Annual General Meeting, or Special General Meeting. Such Notice shall set out the proposed amendment(s).

29.3 Any proposed amendment to this Constitution shall require a clear two-thirds majority vote at a General Meeting of the Association for implementation.

ARTICLE 30 - DISSOLUTION

30.1 If the NEC decides that it is necessary or advisable to dissolve the Association, it shall call an Extra-Ordinary General Meeting of the Association by intimating in writing to all Chapter Delegates the date, time and venue for the meeting and the terms of the proposal to move to dissolve the Association. At least twenty-eight clear days' notice of the meeting shall be given.

30.2 If the proposal to dissolve the Association is agreed by two-thirds clear majority of votes recorded, the NEC shall have power to realize any assets held on behalf of the Association and proceed to dissolve the Association.

30.3 In the event of a proposal to dissolve the Association being adopted, the meeting shall agree by simple majority which body or bodies should be the beneficiary of any assets remaining after satisfaction of all legal debts and liabilities under the proviso that any beneficiary must be police related and provide a service which is open to retired police officers.

30.4 The method of voting shall be open to decision by the delegates present at the meeting, unless otherwise approved. Proxy votes shall not be allowed. No postal votes shall be accepted.

ARTICLE 31 - REPEAL OF PREVIOUS CONSTITUTION

31.1 The previous Constitution is hereby repealed.

30.2 An appointment made, or motion passed under the repealed Constitution, if in force at the commencement of this Constitution, shall continue as far as practicable as if made or passed under this Constitution.

FIRST SCHEDULE

(Article 7.6.1)

RESPONSIBILITIES AND DUTIES - CHAIRPERSON AND VICE-CHAIRPERSONS

CHAIRPERSON

1. The Chairperson's responsibilities and duties shall

include: -

- a. be the Chief Executive Officer of the Association;
- b. preside over all Association and Board meetings;
- c. administer and manage the business of the Association;
- d. ensure that the Constitution, resolutions and code of conduct of the Association are adhered to;
- e. Execute all Contracts, Memoranda of Understanding and other Legal Instruments involving the Association, or delegate in writing such responsibility to a duly elected member of the Association.
- f. appoint Standing, Technical, or *Ad Hoc* Committees, as need be, and may serve as an *ex-officio* member of such Committees;
- g. be the principal spokes- person of the Association;
- h. have the power to convene meetings of the Board of Trustees;
- i. Appoints from the membership of the NEC, and as need be, a National Coordinator for the purposes of responsibilities under 1(c) above.
- j. Within thirty (30) days after expiration or resignation from office, the Chairperson shall hand over all outstanding business, books, records and properties in his/her charge and belonging to the Association to the Vice-Chairperson (Administration).

NATIONAL COORDINATOR

1. The National Coordinator's responsibilities and duties shall include: -

- a. Being the principal assistant to the Chairperson of the Association.
- b. Overall coordination of the Association's business.
- c. such other duties as may be assigned by the Chairperson.

VICE - CHAIRPERSONS

1. The Vice – Chairpersons’ responsibilities and duties shall include: -
 - a. the Vice –Chair Person retired from the Kenya Police Service shall be in-charge of matters related to Administration and Finance.
 - b. the Vice- Chairperson retired from the Administration Police Service shall be in-charge of matters related to Recruitment and Coordination.
 - c. in the absence of the Chairperson, or in the event of inability, the Vice – Chairperson (Administration and Finance) shall perform the duties of the Chairperson, and when so acting, shall have all the powers of the Chairperson.
 - d. the Vice – Chairpersons shall perform such duties as may be assigned by the Chairperson.
2. Within thirty (30) days after expiration or resignation from office, the respective Vice-Chairperson shall hand over all outstanding business, books, record and properties in his/her charge belonging to the Association to the Association’s Secretary.

SECOND SCHEDULE

(Article 7.6.4.d)

RESPONSIBILITIES AND DUTIES - SECRETARY AND TREASURER

SECRETARY

1. The Secretary’s responsibilities and duties shall include: -
 - a. taking and keeping duly signed minutes of all meetings of the Association.
 - b. be the custodian of all administrative records of the Association.
 - c. issue all notices in accordance with this Constitution.
 - d. keep a Register of Membership of members of the Association.
2. The Secretary is answerable to the National Executive Committee (NEC) for the general administration of the NEC’s Secretariat. He/she is the *de facto* head of the NEC’s Secretariat.

TREASURER

1. The Treasurer's responsibilities and duties shall include: -
 - a. managing the financial affairs of the Association in consultation with the Chairperson.
 - b. having custody of the funds, books of account, securities and records of assets and liabilities of the Association.
 - c. receiving and issuing receipts for all monies due and payable to the Association.
 - d. withdrawal and deposit of such monies in the name of the Association, in such banks, trust companies, or other depositories as approved by the NEC.
 - e. preparing an Annual line budget item which shall be presented to the members during the Annual General Meeting for approval.
 - f. preparing and presenting to the members of the Association end of the year Statement of Accounts and Treasurers Report of the Association based on audited accounts.
2. Within thirty (30) days after expiration or resignation from office, the respective Vice-Chairperson shall hand over to his successor all outstanding business, books, record and and properties in his/her charge belonging to the Association.

ASSISTANT TREASURER

1. Responsibility - answerable to the Treasurer for proper management of financial matters of the Association.
2. Duties: -
 - a. maintenance of funds, books of account, assets, securities and records of liabilities of the Association.
 - b. liaising with the NEC Secretariat for funding of the Association's meetings and planned activities.
 - c. preparing budgets and statements of account.
 - d. Any other duty as may be assigned by the Treasurer.

THIRD SCHEDULE

(Article 7.6.4.d)

RESPONSIBILITIES AND DUTIES - NEC SECRETARIAT

SECRETARY

1. (As set out in the Second Schedule).

ASSISTANT SECRETARY

1. Responsibility - Answerable to the Secretary in the management of the secretariat.
2. Duties:
 - a. Shall be the principal assistant to the secretary and in the absence of the secretary Shall perform the duties of the secretary
 - b. Shall perform any other duties as assigned by the secretary

PUBLIC RELATIONS / COMMUNICATIONS OFFICER

1. Responsibility - Answerable to the Secretary for all matters relating to public relations and communications
2. Duties:
 - a. administering and maintaining the Website(s) of the Association.
 - b. managing social media platform for the Association.
 - c. ensuring that the web servers, hardware and software operate optimally.
 - d. designing, developing and hosting Website(s).
 - e. regulating and managing access rights of different users on the Website(s).
 - f. creating and modifying appearance settings and lay out content on Web pages.
 - g. testing Websites to ensure that they are user friendly.
 - h. keeping Website's files small and portable for faster loading.
 - i. Creation and editing of the association's magazines and publications.
 - j. drawing attention of the Secretary to matters of urgency for action.
 - k. any other duty assigned by the Secretary.

NATIONAL POLICE SERVICE COORDINATOR(S)

1. Responsibility - answerable to the Office of the Inspector General for coordination of all administrative matters received through the Secretariat with the relevant offices of the National Police Service.

2. Duties:

a. taking stock of all matters emanating from the Associations' members for the attention or action by the National Police Service.

b. reporting such matters, under (a) above, to appropriate officers for action.

c. making follow up with, and giving feedback to the office of the Secretary of the Association.

d. compiling data on current matters pertaining to officers due for retirement to be inducted to the Association.

e. liaising with the Pensions Offices under the National Police Service on behalf of the Association.

f. custody of office equipment and other assets.

g. assisting members of the Association.

h. visit to the Association's Branches with NEC members on recruitment and training outreach.

i. maintain direct liaison with Regional, County and Divisional Police Commanders on matters related to the Association.

j. originate communication approved by the National Executive Committee to Police Commands.

k. Coordinate the NPS liaison offices in NARPOK

l. any other task assigned by the Association's National Executive Committee

FOURTH SCHEDULE

(Article 20.2)

RESPONSIBILITIES AND DUTIES OF THE BOARD OF TRUSTEES

THE BOARD OF TRUSTEES

RESPONSIBILITIES:

- a. shall exercise advisory role to the Association's National Executive Committee.
- b. shall exercise oversight to the offices of the National Executive Committee and general affairs of the Association.
- c. shall have power to interdict or suspend the National Chairman for gross misconduct, abuse of office, or for any breach of the provisions of Chapter Six of the Constitution of Kenya.
- d. the Chairman of the Board shall be the link between the Association's National Executive Committee and the Board.
- e. the Secretary of the Board shall be the liaison between the Government and the Association.

DUTIES:

- a. shall hold at least two meeting in a calendar year, or as and when exigent need arises.
- b. shall be, save for Chapters' disciplinary matters, an Appeals' Board for the Association.
- c. shall ratify all policies generated for adoption by the Association's National Executive Committee.
- d. perform such other duty as may be required under the Association's Deed of Trustees.

FIFTH SCHEDULE

(Article 9.1)

COUNTY CHAPTERS

- | | | |
|-------------------|---------------------|------------------|
| 1. Mombasa | 23. Turkana | 45. Kisii |
| 2. Kwale | 24. West Pokot | 46. Nyamira |
| 3. Kilifi | 25. Samburu | 47. Nairobi City |
| 4. Tana River | 26. Trans Nzoia | |
| 5. Lamu | 27. Uasin Gishu | |
| 6. Taita/Taveta | 28. Elgeyo/Marakwet | |
| 7. Garissa | 29. Nandi | |
| 8. Wajir | 30. Baringo | |
| 9. Mandera | 31. Laikipia | |
| 10. Marsabit | 32. Nakuru | |
| 11. Isiolo | 33. Narok | |
| 12. Meru | 34. Kajiado | |
| 13. Tharaka-Nithi | 35. Kericho | |
| 14. Embu | 36. Bomet | |
| 15. Kitui | 37. Kakamega | |
| 16. Machakos | 38. Vihiga | |
| 17. Makueni | 39. Bungoma | |
| 18. Nyandarua | 40. Busia | |
| 19. Nyeri | 41. Siaya | |
| 20. Kirinyaga | 42. Kisumu | |
| 21. Murang'a | 43. Homa Bay | |
| 22. Kiambu | 44. Migori | |

SIXTH SCHEDULE
(Article 22.1)

THE NARPOK LOGO



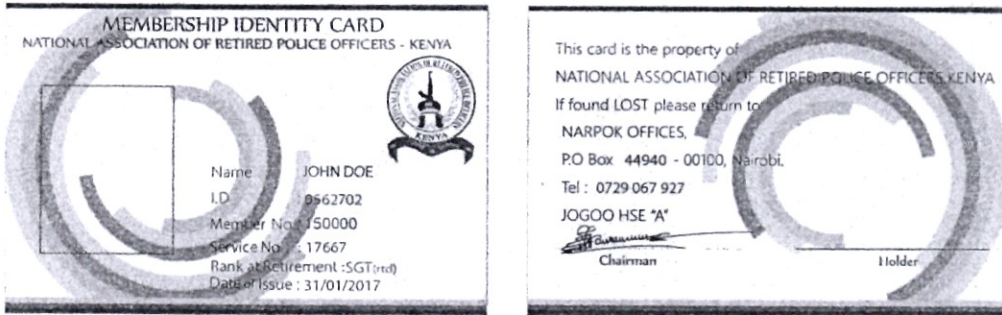
SEVEN SCHEDULE
(Article 23.1)

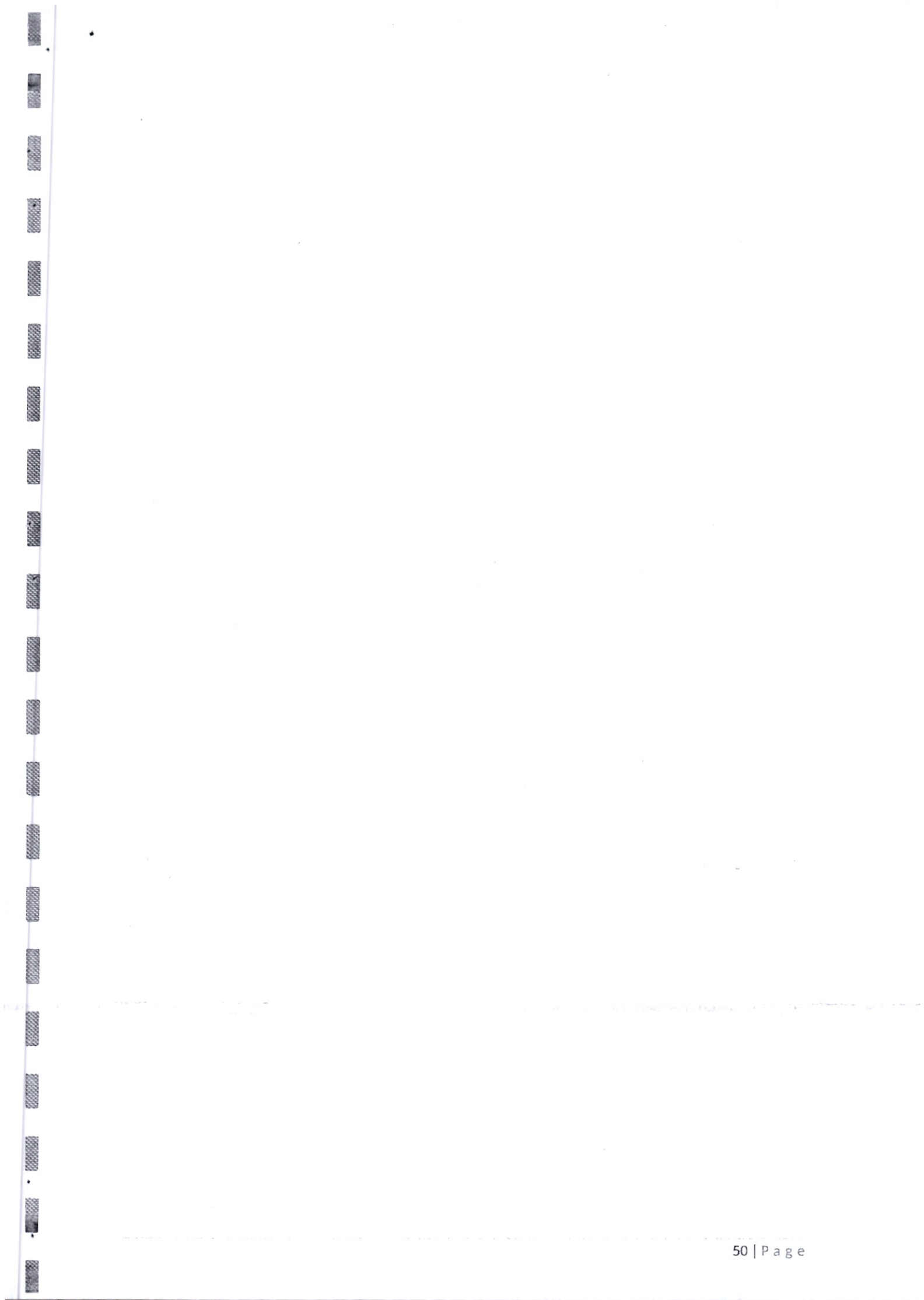
THE NARPOK SEAL



EIGHTH SCHEDULE
(Article 22.2)

MEMBERSHIP CARD SPECIMEN





REPUBLIC OF KENYA

THE POLICE VETERANS ZERO DRAFT, 2023

ARRANGEMENT OF CLAUSES

Clause:

1. Short Title
2. Interpretation
3. Objectives of the Act
4. Guiding
5. Factors in Regulating the affairs of the police veterans
6. Benefits of a police veteran
7. Hierarchy of needs
8. Powers and duties of the Cabinet Secretary
9. Designation of department of affairs of police veterans
10. Access to a benefit
11. The right to access court
12. Consultation with police veterans
13. The Government may contract a police veteran
14. Measures by County government
15. Regulations.

THE POLICE VETERANS DRAFT, 2023.

A Draft for

An Act of Parliament to make provision for the benefits and welfare of Police Veterans, and for connected purposes.

Enacted by the parliament of Kenya, as follows:-

PART I-PRELIMINARY

1. This Act may be cited as the Police Veterans Act 2023 officers of Kenya Act 2022.

2.(1) In this Act, unless the context otherwise requires-

“Benefit” means any benefit contemplated in section 6;

“Cabinet Secretary” means the cabinet secretary responsible for matters relating to National Security;

“Department” means the department designated by the Cabinet Secretary under section 5 to be responsible for the affairs of the Police Veterans;

“Dependent” means such person as defined under the law of succession Act; and

“Police veterans” means any Kenyan citizen who-

(a) Has rendered Police service to the National Police Service; or

(b) Served in the Kenya Police Force and therefore qualifies to be officer of the service.

(c) Has retired from the Service honorably.

(d) Became a member of the National Police service under 2010 constitution.

3. The objectives of the Act are to provide framework for-

(a) Recognition of the police veterans and their sacrifices in the service, in the Republic of Kenya;

(b) For the effective and efficient transition of the police veterans into civilian life.

(c) That enables the police veterans to re-integrate into the society, establish and build health relationships;

(d) The provision, to the police veterans of the relevant social-economic support services at the National and County levels of government.

(e) To enable access by the police veterans –

(i) Appropriate employment opportunities or the acquisition of the necessary skills that may enable them be in gainful employment while in service.

(ii) Government services and support by the police veterans.

4. Every person shall, in the implementation of this Act, be guided by the following principles:-

(a) The protection of the rights of the police veterans;

(b) The coordinated provision of benefits and services to the police veterans;

(c) The collaboration between the National and County governments in putting in place measures for the transition of the police veterans into civilian life;

(d) Public participation and consultation.

(e) Non-discrimination on any grounds including sex, health status, disability or religion and

(f) Openness, accountability and transparency

5.(1) In determining the benefits and services that are to be accorded to a police veteran, the cabinet secretary and the respective County Executive committee member shall take into account-

(a) The sacrifices made by the police veterans in the service or their role in the protection of life and property in the country during their tenure of duty;

(b) Compensation to which a police veteran may be entitled for disablement constitutes reparation and is not, despite any provision to the contrary contained in any law, a welfare benefit;

(c) The physical or mental disability arising from police service rendered by a police veteran;

(d) The period served in the service and whether the police veteran was discharged dishonorably;

(e) The skills of the police veteran;

(f) The resources available in relation to the need of the police veteran;

(g) The need to identify and remedy disparities, inequalities, or unfair discrimination as regards the benefits of the police veterans and their dependants.

(h) Cooperation and consultation to ensure the achievement of the objectives of this Act.

(2) Any policy regarding the affairs of the police veterans shall be aimed at-

- (a) Recognizing and honoring the police veterans in life and remembering them in death for their sacrifice on behalf of the Nation;
- (b) Ensuring a smooth and seamless transition for the police veterans active police service to civilian life;
- (c) Restoring the capability of a police veteran who has become disabled while serving in the Police Service to the greatest extent possible.
- (d) Improving the quality of life of police veterans and their dependents.
- (e) Providing a comprehensive delivery of system of benefits and services for police veterans;
- (f) Ensuring that, police veterans as a resource enhance the national workforce and contribution to the prosperity and development of the country; and
- (g) Contributing towards reconciliation and nation building.

6.(1) The Cabinet secretary and the county Executive committee members shall put in place measures to facilitate access by police veterans and their dependents to the following benefits-

- (a) Compensation for disabling injuries, psychological trauma or terminal disease resulting from his or her participation in the National police service activities.
- (b) Dedicated counseling and treatment for post-traumatic stress disorder or related conditions.
- (c) Honoring and memorializing of fallen police veterans;
- (d) Education, training and skills development;
- (e) Facilitation of employment placement;
- (f) Facilitation of or advice on business opportunities.

(g) Pension.

(h) Access to health care.

(i) Housing

(j) Such other benefit as shall be provided in any other written law or as shall be determined by the cabinet secretary.

(2) The benefits provided for under subsection (1) (a) and (b) shall be promptly provided to a police veteran who requires them and shall not be withheld.

(3) The benefits may be paid or provided to a police veteran by the department responsible for the affairs of the police veterans, any other organ of the state or any other person shall be determined.

(4) As an organ of the state, or any other person responsible for the payment or provision of a benefit to a police veteran, shall cooperate with the cabinet secretary and department responsible for the affairs of the police veterans in respect of the payment or provision of those benefits.

(5) For purposes of subsection (4), the cabinet secretary may after consultation with the cabinet secretary responsible for National Treasury, enter into agreement with relevant organs of the state in order to facilitate the payment or provision of benefits to police veterans.

(6) The cabinet secretary shall compile a priority list of needs of police veterans in relation to their benefits in order to plan and structure operations for purposes of the fulfillment of those needs.

(7) The cabinet secretary shall-

(a) Coordinate the provision of benefits to the police veterans and their dependents.

- (b) Provide such with appropriate advice or assistance as may be required.
- (c) Investigate any submission, inquiry, or complaint made by a police veteran or their dependents.
- (d) Develop strategies and programs to facilitate the realization of the benefits of police veterans and their dependents.
- (e) Conduct research, investigate, evaluate and promote affairs of the police veterans on an integrated basis.
- (f) Review existing legislation and policies with a view to promote better provision of benefits to the police veterans and their dependants.
- (g) Formulate and implement programs which seek to promote the affairs of police veterans and submit proposals and recommendations to the relevant departments of state or county executive
- (h) Collaborate with public and private entities concerned with the affairs of the police veterans at the National and county level of government in the implementation of this Act.
- (i) Collect, analyse, keep and regularly update information relating to any aspect of benefits of police veterans.
- (j) Compile a priority list of the programs, proposals or recommendations to be implemented in the interest of police veterans and their dependants.
- (k) Publish in the Kenya gazette and publicize all approved programs relating to the affairs of police veterans.
- (l) Exercise any power and perform such functions as may be prescribed in any other written law.

8. The cabinet secretary shall, for the effective performance of the functions under this Act designate a department or a person within the ministry to be responsible for the police veterans.

9.(1) Except for a benefit which is medical in nature, a police veterans or a defendant eligible for a benefit shall make an application to the cabinet secretary for the payment or provision of the benefit.

(2) The cabinet secretary shall in writing and within fourteen (14) days notify the applicant of the decision and the reasons for decision.

(3) The cabinet secretary shall put in place procedures for effective and prompt access to benefits which is medical in nature.

10. Despite the provisions of this Act, a person entitled to a benefit under section 4 may lodge a claim before a court of law for appropriate remedy where a benefit has been denied, withheld, delayed or for any other reason.

11. The cabinet secretary and the department responsible shall in the performance of their functions under this Act, consult a police veteran or any other person with expertise in matters touching on the police veterans.

12. The National Government or County government may contract a police veteran or police veterans to perform a specified public function during public events, including sports, and public holidays on such terms as shall be agreed between the government and the police veteran.

13. Each county government may put in place such measures and policies within their functional areas to facilitate re-integration of the police veterans into society.

14. (1) The cabinet secretary shall make regulations generally for the better carrying into effect the provisions of this Act, regulations.

(2) Without prejudice to the generality of subsection (1) regulations made under this section may provide for:

(a) The criteria that shall be met in order to qualify for benefits under this Act.

(b) Any matter required or permitted to be prescribed by or in terms of this Act.

(c) Any matter ancillary or incidental and necessary for the proper implementation or administration of this Act.

3. For the purpose of Article 94(6) of the constitution-

(a) The Authority of the cabinet secretary to make regulations under this Act, shall be limited to bring into effect the provisions of this Act and for the fulfillment of the objectives of this Act.

(c) The National Association of Retired Police Officers shall be the body responsible for the administration of this act.

(b) The principles and standards applicable to the regulations made under this section are those set out in the interpretation and general provisions of the Act and statutory instruments Act, 2013.

MEMORANDUM OF OBJECTIVES AND REASONS

The objective of this Bill is to provide for the welfare and benefits of police veterans and their dependants. These benefits include compensation for physical injuries and psychological trauma, healthcare services, access to training and employment opportunities. Currently, other than pension and gratuity, there is no law which provides for such benefits.

The police veterans after rendering important services to this nation, to a large extent are left to feed themselves once they leave National Police Service. In most cases, this causes them serious and economic problems.

Their misery is compounded if they suffer health complications arising from their service in the National Police Service.

Statement on the delegation of legislative powers and limitations of fundamental rights and freedoms.

The Bill delegates legislative powers to the cabinet secretary responsible for matters relating to security to make regulations for the better carrying into effect the provisions of this Act.

The Bill does not limit fundamental rights and freedoms of the Police Veterans.

Statement on how the Bill concerns County governments

The Bill seeks to put in place a legal framework for the provisions of welfare services including healthcare services, training, and employment opportunities for persons who have left the National Police Service and their dependants.

Healthcare, education, employment, and general wellbeing of the citizens of Kenya are concurrent functions of the National government and county governments.

The Bill is therefore, a Bill concerning county government in terms of Article 110(1) (a) of the constitution.

This Bill is not a Money Bill within the meaning of Article 114 of the constitution.



**OFFICE OF THE INSPECTOR GENERAL
NATIONAL POLICE SERVICE
NAIROBI-KENYA**

**RETIREMENT POLICY FRAMEWORK
(Exit and Post-Exit Policy in the National Police Service)**

June 2017

FOREWORD

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Acronyms and Abbreviations

CAP	Chapter
CBOs	Community Based Organizations
CBPs	Community-Based Policing
CPC	Criminal Procedure Code
FBOs	Faith Based Organizations
NARPOK	National Association of Retired Police Officers – Kenya
NGOs	Non-Governmental Organizations
NHIF	National Hospital Insurance Fund
NPR	National Police Reserve (NPR).
NPS	National Police Service
NYC	National Youth Council
PEV	Post-Election Violence
ROIC	Retired Officers Identification Card
RPOs	Retired Police Officers
SPOs	Serving Police Officers
SSOs	Service Standing Orders
UN	United Nations
UNPOA	UN Programme of Action on Small Arms

Definition of Terms

Association	means National Association of Retired Police Officers – Kenya
Civil Society	include Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs), Faith Based Organizations (FBOs), Media Organizations, Professional Associations, Trade Unions, Student Groups, Cultural Societies, Groups and Institutions.
Crime	Activities amounting to breach of law as described in the Penal Code and punishable under the criminal justice system through Criminal Procedure Code.
Constitution	means the constitution of the Association.
Counties	means counties as in first schedule of Article 6 (1) of the 2010 Constitution of Kenya
Government	means the Government of the Republic of Kenya
Inspector General	means the Inspector General as stipulated in Article 245(2) of the 2010 Constitution of Kenya
Member	means member of the Association as stipulated in Article 3 of the constitution of the Association
Ministry	means ministry of interior and coordination of national government
National Policy	A broad set of principles, guidelines and objectives that inform the authoritative allocation of resources, values, practices, norms and strategies to the society. It is a broad purposeful course of action to be followed by a concrete operational/implementation planned action.
Police chief	means commissioner of police, Commandant or Inspector General who headed Kenya Police Force, Administration Police or the National Police Service respectively.
Police Officer	means officer of the National Police service
Retired Police officer	means officer of the Police Service who has retired
Service	means The National Police Service
Violence	Act or behaviour that is intended to hurt or kill

Stakeholders' Input in the Development of This Framework

The National Police Service, supported by Jamii Thabiti Program of Coffee International, contracted a local consultant to draft a framework on exit and post exit policy on behalf of the Ministry of Interior and Coordination of National Development. The consultant used the opportunity to gather information to be used in the development of the policy.

Consequently, NPS, Jamii Thabiti and National Association of Retired Police Officers – Kenya organized a workshop in Nairobi where key stakeholders in the security sector were represented. At this workshop, the draft framework was presented to the participants who gave their input. At the end of the workshop, a committee was constituted under the leadership of National Association of Retired Police Officers – Kenya and the consultant to guide the completion of the policy document.

Under the guidance and co-ordination of the National Police Service and the National Association of Retired Police Officers – Kenya, views of other stakeholders were captured. This was followed by a validation workshop held in November, 2017. The above activities informed and enriched the process and the content of this policy.

It is against this background that this policy on exit and post exit was developed. The policy will deliver a more integrated approach to national security. The policy also provides a mechanism for engaging retired police officers at the national and local level.

CHAPTER ONE: POLICY INTENTION

1.1 INTRODUCTION

1. There is broad public agreement that retired police officers remain a critical component for an effectiveness National Police Service (NPS). Whether responding to human security or causes of crime, there is lack of policy for a coordinated approach that harnesses the increasing pool of retired officers. Retired Police Officers (RPOs) engage NPS on ad hoc basis.
2. Exit and Post-Exit Policy form a framework of detailed direction based on the legal provisions, which the NPS must tailor in its management and the use of RPOs. RPOs provide a pool of human resources with long standing knowledge, skills and expertise in various policing areas that are relevant to the functions and object of NPS as outlined in the section 244 of the 2010 constitution of Kenya.
3. The Policy provides guidelines on the regulation and management of a pool of RPOs. In particular, this Policy offers guidelines on service conditions and prospects such as police pensions, and improvements of all benefits concerning status, legitimate and deserving interests, legal rights and privileges.
4. The policy is purposed to enrich the retirement experience of members through the provision of activities, information and other events that encourage social and professional benefit from fellow retirees as part of police welfare.

1.2 THE POLICY STATEMENT

5. The following policy strives to respond to the glaring gaps to harness the increasing pool of retired officers, as an exit and post exit strategy for an effectiveness NPS in crime management and control.

1.3 OBJECTIVES OF POLICY

6. The objective of this Policy is:
 - i. To promote and fosters strong collaborative partnerships between the NPS and RPOs;
 - ii. To develop an integration strategy and structures for collaboration between the NPS and RPOs;
 - iii. To propose policy options to regulate, transform and strengthen relationships between the NPS and RPOs for sustainable safety and security;
 - iv. To propose strategic options for resource mobilization to initiate, establish and sustain proactive security management interventions.
 - v. To raise the awareness of the benefits and utilization of the expertise, skills and knowledge of persons not actively employed in the Service such as the RPOs.

1.4 UNDERPINNING PHILOSOPHY, PRINCIPLES AND VALUES

7. The Peelian model of policing presupposes the Police that win trust and confidence of majority of population. This translates to the principles of “public approval of police action” and “securing the willing cooperation of the public in voluntary observance of the law”. The Constitution establishes rules, values, and principles aimed at facilitating the realization of these principles through constructive and collaborative partnerships and operationalized in section 98 of the NPS Act.

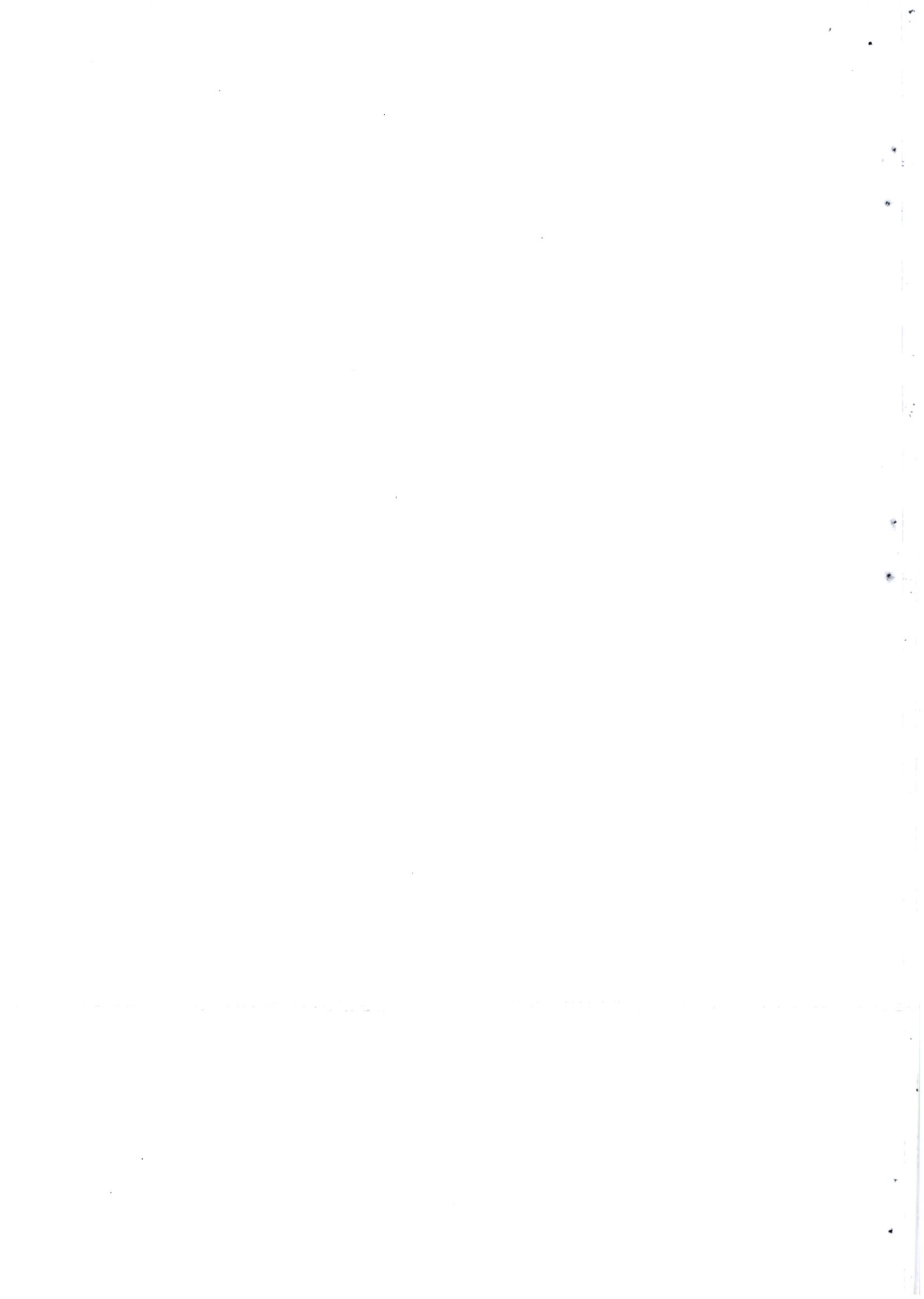
8. This Policy is motivated by the vision of “a dignified world class Police Service” and the mission “To provide professional and people centred police service through community partnership and upholding rule of law for a safe and secure society”. Hence, NPS must cultivate the culture and establish structures that ensure collaboration and partnerships with its communities, key stakeholders, media, and interest groups, in a bid to ensure public safety and security. This shift supports the bottom-up approach to problem solving toward common good of safe neighborhood.
9. Values espoused by this Policy are hinged on Chapter 10 of the Constitution (2010) as follows:
 - a. Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
 - b. Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
 - c. Good governance, integrity, transparency and accountability; and
 - d. Sustainable development.
10. The core values of Justice, Integrity, Equity, Participation, Accountability, Openness, and Civility as provided for in the National Police Service Strategic Plan further inform this policy.

1.5 SITUATIONAL ANALYSIS

11. The outcome report of the 2007/2008 Post Election Violence (PEV) manifests dismal state of police professionalism, capacity, and culture. Since 2009, the Government has continued to transform the National Police Service (NPS) into a professional and accountable security agency, that is effective and efficient in delivering on its mandate.
12. There are sufficient human resources which have not been mobilized to prevent latent criminal activities and enable rapid response to crimes. With Police to civilian ratio at below the level that guarantees professional service delivery, this policy aims to tap the unique pool of talents and experience from retired police officers aimed at filling the existing gap in human resource requirement.

1.6 POLICY AND LEGAL CONTEXT

13. This policy framework takes cognizance of Article 244(e) of the Constitution (2010) of Kenya, that underscores the need for the NPS to foster and promote relationships with the broader society. The Constitution therefore introduces fundamental changes, which operationalized by the NPS Act (2011) forming the basis for the constitution of this Policy framework by focusing on professional outcomes and welfare of RPOs.
14. The RPOs do not have the same powers as Serving Police Officers (SPOs). They however, have the powers as those of a private person. According to Section 34 of the Criminal Procedure Code (CPC), “A private person may arrest any person who in his view commits a cognizable offence, or whom he reasonably suspects of having committed a felony”.
15. The association of RPOs, registered under the Societies Act CAP 108, Laws of Kenya, is anchored in Chapter 66 of the National Police Service Standing Orders (SSOs) which provides the basis for regulation, management and welfare of the RPOs.



1.7 RATIONALE OF THE POLICY

16. Based on situational analysis, and best practices, this policy aims to overcome the following gaps:
 - i. Limited networking in policing;
 - ii. Absence of Standard Operating Procedures (SOPs);
 - iii. Absence of Code of Conduct for retired police officers
 - iv. Weak response mechanisms to crime;
 - v. Inadequate capacity in policing;
 - vi. Absence of strategy in resource mobilization;
 - vii. Weak value systems including erosion of our national values; and
17. The rationale is to have retired officers compliment the serving officers in non-core areas or areas which do not require very active policing such as training, research, community policing (including intelligence policing) and as passive detectives (or informers). In particular the Policy enables the NPS to establish policing culture, that identifies retired police officers as a valuable asset in the enhancement of professionalism, integrity and public trust.
18. There is therefore a consensus for a policy framework that strives to transform the NPS to a “People Centred Policing” by facilitating better coordination and providing for a formal forum upon which retired and serving officers discuss previous and prevailing policing challenges and opportunities for future interventions. This is consistent with the NPS transformation framework that advocates for institutional linkages and partnerships at national and local levels.
19. This Policy is aims to enhance national security by promoting prevention, mitigation and preparedness by building synergies between the Police and a motivated retired police officers in crime management.
20. The Policy recognizes the National Association of Retired Police Officers – Kenya (NARPOK), as provided for in Chapter 66 of the National Police Service Standing Orders (SSOs), on matters of engagement and coordination of retired police officers.
21. NARPOK shall be non-statutory, non-political, non-denominational and open to all retired police officers as its members. NARPOK shall not supersede any national statutory or representative body.
22. A member shall not be discriminated directly or indirectly on grounds of former rank, race, sex, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

1.8 ELIGIBILITY

23. The membership comprises officers who retired from the –
 - i. National Police Service,
 - ii. Former Kenya Police Force,
 - iii. Former Administration Police Force,
 - iv. National Intelligence Service,
 - v. Former National Security Intelligence Service, and
 - vi. Former Special branch

CHAPTER TWO: INSTITUTIONAL AND IMPLEMENTATION FRAMEWORK

2.1 IMPLEMENTATION STRATEGIES

24. In modern policing, linkages and partnerships are a reality. The NPS, recognizes the importance of fostering and promoting its relationships with the broader society. Through training, NPS is able to realize the highest standards of professionalism, competence, integrity, respect for human rights and fundamental freedoms, dignity and discipline among its members.

2.2 ORGANIZATIONAL STRUCTURE

- 3 This policy recognizes existing management levels in policing in Kenya; which provides oversight, supervision and operational responsibilities at national, county and community levels. The management levels mainly revolve around the collaboration and partnership of both state and non-state actors. This policy provides for close collaboration and partnership with other ministries and departments, donor community, and the RPOs in its implementation efforts.
- 4 The NPS has the overall responsibility for the management and access to a pool of retired police officers. The NPS shall ensure support of the operation of the NARPOK as a key player in the implementation of this policy. Therefore, The Inspector General of the NPS shall be the patron of the NARPOK. The NARPOK shall have respective offices at the Inspector General's office, Administration Police headquarters, and Kenya Police Service Headquarters.
- 5 The NARPOK shall be developed and strengthened at the national level and devolved in its operations using various Chapters at the county headquarters. NPS shall provide the NARPOK with the financial and human resources needed to undertake its day-to-day activities. The NARPOK will establish its own internal procedures and work agenda.
- 6 The NARPOK shall have regional coordinators for Nairobi, Central, Eastern, North Eastern, Western, Nyanza, Rift Valley, and Coastal regions of Kenya in conformity with first Schedule of Article 6(1) of the 2010 Constitution of Kenya. The NARPOK chapter chairmen shall work closely with the various police commanders in maintaining a list of the retired police officers.

2.3 IMPLEMENTATION COMPLIANCE

- 7 Provision of adequate community security remains a critical preoccupation. In an effort to do so, there has been increased collaboration and partnerships between the Government Security agencies and the public. Increasing community groups have emerged to compliment government efforts in the provision of security albeit with mixed reactions and approaches. In particular, Community-based policing (CBPs) is designed to promote mutual trust and co-operation between the public and Police.
- 8 This policy, compliments other efforts including a policy on community policy, and seeks to demystify the public perception of the police by encouraging information sharing and response to crime. This is better done with the participation of RPOs with expertise in this area. The policy therefore encourages the police commanders to engage the RPOs in community policing initiatives.

- 9 The NPS commits itself to facilitate the implementation of this policy through an elaborate program and work plans from the National Level to the lowest level for utilization of RPOs.
- 10 The Ministry shall develop regulations that operationalizes this policy. The regulation shall provide for the periodic amendment/review of pensions of RPOs, among other benefits, in line with the salary of serving officers as adjusted. The regulation shall include medical insurance and the National Hospital Insurance Fund (NHIF) Corporate Scheme for retired police officers.
- 11 The regulations shall provide for an oversight system at the Inspector General's Office on the operation of NARPOK; proper identification, record and whereabouts of officers who have retired from the Service honorably; and issuance of "Retired Officers Identification Card (ROIC)".
- 12 The granting of the ROIC is to recognize diligent and ethical service offered by retired (including those retired on medically ground) from the NPS and related Agencies. This is aimed to motivate serving officers to treat the RPOs with respect and dignity whenever they visit police institutions.
- 13 RPOs who have given exemplary service to the community shall be considered alongside the serving officers of the Service for honors and Awards. This should include invitation of NARPOK trustees and senior officials to NPS Passing out parades and sports, and playing of the bugle as the last post of a deceased NARPOK member subject to sanction by NARPOK.
- 14 The government provides various benefits payable to public officers who exit the Service such as retirement on attainment of retirement age under 50-Year Rule, retirement on medical grounds, or death. Other benefits include Refund of Widows' and Children Pension Scheme. This policy provides for benefits for RPOs on medical insurance, including NHIF Civil Servants Corporate Scheme.
- 15 This Policy provides for police officers who are in the process of retiring, to be transferred to their home counties, two years prior to their retirement date.
- 16 This policy encourages NARPOK members to engage in meaningful activities that would benefit them, the Association, and the republic of Kenya, such as commercial ventures including security in banks, escort duties, and international assignments relating to their expertise.
- 17 This Policy encourages RPOs to use their energy, talents, skills, knowledge and experience of their contribution to each other and for the good of community. In particular this Policy allows for support by the retired officers to NPS in performing such tasks as assigned by the Inspector General.
- 18 Retired Police Officers may be used in the following ways:
 - a. In training assignments as means of transferring knowledge and skills to serving officers;
 - b. In Community Policing Forums and activities championing community policing efforts;
 - c. In periodic joint forums to discuss prevailing security challenges on evolving crime and in providing valuable insights for possible security related solutions;
 - d. Consultancy services in their areas of specialization such as Bomb expertise, traffic matters, reforms, investigations, aviation, health and oversight in security matters;
 - e. Management of more leave centers such as those of Malindi and Diani.

2.3.1 PROTECTION OF OFFICERS

- 19 This Policy provides for the NPS to set procedures regarding the safety and security of officers who have retired from active service. This include personal protection of the serving police officers when off duty as well as the officers following separation from service.

2.3.2 PAY AND ALLOWANCES

- 20 Retired police officers will serve voluntarily and should not claim any remuneration for his/her services but while undergoing and performing duties should be paid such allowances as may be prescribed by the Salaries and Remuneration Commission. In such a case, the RPOs may be considered a National Police Reserve (NPR).

2.3.3 ARMS AND AMMUNITIONS

- 21 Retired Police officers may when necessary be armed. Issues of arms to the retired officers should be with express authorization of the Inspector General and at the recommendation of the officer in charge of the County Commander or similar police responsibility. A retired officer, though out of service, is still a protector but only with citizen power of arrest. Hence conditions as to the use of firearms are as provided relevant regulation for members of public.

CHAPTER THREE: MONITORING AND EVALUATION

- 22 Monitoring and evaluation shall be an integral part of this Policy. Monitoring and evaluation of the Policy will establish whether its intended purpose is being achieved, challenges facing its implementation, what corrective actions may be needed to ensure delivery of results and whether its making any positive contribution to the sustainable development of the country.
- 23 The Ministry will develop strategies for the implementation of the objectives of this Policy, which will be the basis of monitoring and evaluation in order to ensure continued pursuit of national security.
- 24 The Ministry shall establish mechanisms for tracking the implementation and progress towards attainment of the objectives of this policy, providing feedback that will enable updating and reviewing the policy as need arises.

CHAPTER FOUR: LINKAGES TO EXISTING POLICIES AND LEGISLATION

- 25 The Policy acknowledges and takes cognizance of existing and complimentary national policies, processes, strategies, institutions and other relevant international instruments with a view to making essential references and harmonization as is essential.
- 26 Nonetheless, although the Policy is presented as a distinct policy, some of its aspects shall be integrated into other national security frameworks in order to enhance security in Kenya. In this way, it will encourage the integration of a range of policies and legislations focusing on human security and human rights into a comprehensive framework designed to achieve sustainable security and development in Kenya.

4.1 PROTOCOL ON PREVENTION, COMBATING AND ERADICATION OF CATTLE RUSTLING

- 5 This Protocol aims at combating cattle rustling and enhancing human security in Eastern Africa. Its main objectives are to prevent, combat and eradicate cattle rustling and related criminal activities in the Eastern Africa region; systematically and comprehensively address cattle rustling in the region in order to ensure that its negative social and economic consequences are eradicated and that peoples' livelihoods are secured; enhance regional co-operation, joint operations, capacity-building and exchange of information; promote peace, human security and development in the region.
- 6 This Policy shall facilitate implementation of related elements of the Protocol and contribute to safety and security in Kenya.

4.2 LINKAGES TO NATIONAL POLICIES AND STRATEGIES

- 5 This Policy will seek to complement the implementation of other existing relevant national policies including those in draft form such as the Draft National Security Policy, the Draft National Small Arms and Light Weapons Policy; the Draft National Disaster Management Policy among others.

4.2.1 KENYA'S VISION 2030

- 5 The Vision seeks to ensure Kenya achieves and sustains an average economic growth rate of over 10% per annum; build a just and cohesive society with equitable social development, clean and secure environment; and, ensure a democratic political system that nurtures issue-based politics, rule of law, and protects the rights and freedoms of every individual and society.
- 6 The realization of this Vision is pegged among others, a stable and peaceful country, to which this Policy will strive to attain.

4.2.2 KENYA'S NATIONAL YOUTH POLICY

- 5 The National Youth Policy is aimed at ensuring that the youth play their role, alongside adults, in the development of the country. Its goal is to promote youth participation in community and civic affairs and to ensure that youth programmes are youth centred.

- 6 Many times, the youth are affected by conflicts. With increased unemployment rate, the youth become more vulnerable, hence the needs to harness their energies to enable them realize their full potential.
- 7 This Policy will therefore create synergy with the National Youth Policy in addressing issues affecting the youth. Efforts will be made to engage the youth in conflict prevention at all levels.

4.2.3 STRATEGIC PLAN ON ARMS CONTROL AND MANAGEMENT

- 5 The Plan's key components are the establishment of institutional and policy frameworks, public education and awareness raising, stockpile management, training and capacity building, border control, regional and international information exchange and research.
- 6 The Strategic Plan is part of the Government's commitment to the implementation of the UN Programme of Action on Small Arms (UNPOA).
- 7 This Plan together with the Policy will therefore, work in tandem towards the realization of safety and security in Kenya.





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MEMORANDUM
TO
THE NATIONAL ASSEMBLY

ON

THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024

SEPTEMBER, 2024

Faith Mony Odhiambo, President Law Society of Kenya
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Introduction

The Law Society of Kenya is a professional statutory body established under the Law Society of Kenya Act, No. 21 of 2014 with a mandatory membership of all Advocates in Kenya.

The organs of the Society are the General Membership, the Council, the Branches and the Secretariat. The Council is the governing body of the Law Society of Kenya. It comprises a President, a Vice- President and eleven other members, all of whom must be members of the Law Society of Kenya. Council members are elected every two years by the members of the Society by means of a secret ballot conducted in accordance with the Law Society of Kenya Act.

Currently, the Council is comprised of The President, The Vice-president and 11 Council members namely:

- President, Faith Mony Odhiambo
- Vice President, Mwaura Kabata
- General Membership Representatives, Tom K'opere, Teresia Wavinya, Hosea Manwa
- Nairobi Representatives, Gloria Kimani, Irene Otto, Stephen Mbugua
- Up-country Representatives, Vincent Githaiga, Lindah Kiome, Hezekiah Aseso, Zulfa Roble
- Coast Representative, Elizabeth Wanjeri
- Secretary/CEO, Florence W. Muturi

One of the Law Society of Kenya statutory objects as provided in section 4(a) of the Act is to assist the Government and the courts in all matters affecting legislation and the administration and practice of law in Kenya. Pursuant to this statutory mandate, the Law Society of Kenya makes presentations on the National Police Service Commission (Amendment) Bill, 2024.

GENERAL COMMENTS

The National Police Service Commission (Amendment) Bill, 2024 seeks to amend the National Police Service Commission Act, 2011 to make a provision for the mental wellness and wellbeing of police officers including but not limited to the establishment of psychological support centres for police officer.

The Bill seeks to promote the mental wellbeing of police officers and establish a framework for safeguarding the same. This Bill aligns Article 46 of the Constitution which guarantees the right to the highest attainable standard of health, including mental health. Police officers' mental wellness is crucial taking into consideration the sensitive nature of the work performed by police; promoting public safety.

Numerous studies, including the recent Mental Health Taskforce Report of 2020 have examined the germane aspect of mental health, but have overlooked the mental health of police officers. The proposed Bill therefore gives the National Police Service Commission various mandates aimed at promotion of the mental health of police officers.

Borrowing from the United Kingdom, Oscar Kilo; the National Police Wellbeing Service was launched in 2019 to provide support and guidance for police forces across England and Wales to improve and build organizational wellbeing. The Service has been impactful in ensuring increased awareness and stigma reduction, access to support services and performance and retention. This Bill is therefore a timely intervention for the police force.

SPECIFIC COMMENTS

No.	Provision/Issue	Proposal	Justification
Clause 3	The principal Act is amended is Section 10(1) by inserting the following new paragraph immediately after paragraph (q) (qa) establish psychosocial units and	We are not opposed to amendment but propose that the word psychosocial units be defined.	The word psychosocial units has been introduced to the bill and used without definition. It

formulate programs to promote the mental health and wellbeing of police officers.		is necessary to define it to eliminate any potential ambiguity.
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In conclusion, we humbly submit that our comments be considered before enacting the Bill.

Yours faithfully,



Faith Odhiambo
President Law Society of Kenya.

