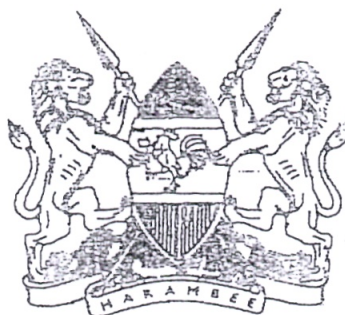


REPUBLIC OF KENYA



12TH PARLIAMENT - THIRD SESSION - 2019

REPORT OF THE
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL
SECURITY OF THE NATIONAL ASSEMBLY AND THE STANDING COM-
MITTEE ON NATIONAL SECURITY DEFENCE & FOREIGN RELATIONS
OF THE SENATE

ON

THE VETTING OF MR. HILARY NZIOKI MUTYAMBAI - NOMINEE FOR
APPOINTMENT TO THE POSITION OF THE INSPECTOR- GENERAL OF
THE NATIONAL POLICE SERVICE

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

APRIL, 2019

Table of Contents

CHAPTER ONE	7
BACKGROUND	7
CHAPTER TWO	9
LEGAL FRAMEWORK FOR APPOINTMENT TO THE OFFICE OF THE INSPECTOR- GENERAL OF THE NATIONAL POLICE SERVICE	9
2.1 Establishment, Powers and Functions of the Inspector- General of the National Police Service	9
2.2 Qualifications for Appointment to the Office of the Inspector-General of the National Police Service	11
2.3 Procedure for Appointment of the Inspector General of the National Police Service	11
2.4 Procedure for Parliamentary Approval	12
CHAPTER THREE	15
THE VETTING PROCESS	15
3.1 Message from His Excellency the President	15
3.2 Clearance Requirements	15
3.3 Notification to the Nominee	16
3.4 Notification to the Public	16
3.5 Committee Meetings	17
3.6 Clearance Letters	17
3.7 Written Statement on Oath	17
CHAPTER FOUR	18
APPROVAL HEARING	18
CHAPTER FIVE:	24
COMMITTEE OBSERVATIONS	24
CHAPTER SIX	25
COMMITTEES RECOMMENDATION	25

CHAIRPERSONS' FOREWORD

Mr. Speaker,

Article 245 (1) and 245(2)(a) of the Constitution establishes the Office of the Inspector-General, which is an office in the National Police Service. The Inspector-General is appointed by the President, with the approval of Parliament. The Inspector-General exercises independent command over the National Police Service, and performs any other functions prescribed by national legislation.

Mr. Speaker,

After receiving the message from H.E. the President on the nomination of Mr. Hilary Nzioki Mutyambai for the position of the Inspector-General of the National Police Service, the Speaker of the National Assembly and the Speaker of the Senate on Tuesday, 19th March, 2019 and Wednesday 20th March, 2019 respectively issued a communication and directed that the vetting of the nominee for appointment to the position of Inspector-General of National Police Service, be conducted jointly by both Houses as required by the Constitution and Statute.

The name of the nominee and his curriculum vitae were referred by the National Assembly to the Departmental Committee on Administration and National Security, and by the Senate to the Standing Committee on National Security, Defence and Foreign Relations. The Committees held preliminary sittings on Wednesday 27th March 2019 to prepare for the vetting and consider memoranda from the members of the public.

The afore-mentioned Committees, herein referred in the Report as Committees, complied with the Constitutional and legal requirements and established procedures for vetting. The Committees ensured public participation and openness in carrying out the approval process. Notifications inviting the public to submit memoranda were placed in the mainstream print media on Thursday, 21st March, 2019 as required under the law.

The Committees conducted the vetting exercise on Thursday, 28th March, 2019. In conducting the vetting exercise, the Committees were guided by the provisions of the Constitution, the National Police Service Act, 2011, the Public Appointments (Parliamentary Approval) Act and the Standing Orders of the respective Houses.

Mr. Speaker,

The Committees made several observations during the vetting exercise, key among them being the fact that Article 245(2)(a) of the Constitution read together with sections 12(1) and 12(2) of the National Police Service Act, 2011 (as amended by the National Police Service (Amendment) Act, 2014 and the Security Laws (Amendment) Act, 2014), give the President



the powers/authority to nominate a candidate for appointment to the position of the Inspector-General of the National Police Service.

The Committees made observations, contained in this Report, on the basis of constitutional and legal requirements as well as submissions of the nominee during the approval hearing.

The Committees recommendation was based on the evidence and information from the proceedings of the Committee during the vetting exercise. The Committees recommend that, having considered the suitability, capacity and integrity of the nominee, and pursuant to Article 245(2)(a) of the Constitution and Section 8 (2) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, Parliament approves the nomination of Mr. Hilary Nzioki Mutyambai for appointment to the position of the Inspector-General of the National Police Service.

Mr. Speaker,

The Committees wishes to thank the Office of the Speaker of the National Assembly, the Office of the Speaker of the Senate, the Clerk of the National Assembly and the Clerk of the Senate and their staff for the logistical support accorded to them during the vetting exercise. The Committees are also grateful to the media for their live coverage of the proceedings, thus enhancing accountability and transparency of the vetting exercise.

Mr. Speaker,

On behalf of the Committees, and pursuant to Article 245(2)(a) of the Constitution, Section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, it is my pleasant duty to table the Report of the National Assembly Departmental Committee on Administration and National Security, and the Senate Standing Committee on National Security, Defence and Foreign Relations, on the joint vetting of the Mr. Hilary Nzioki Mutyambai a nominee for appointment to the position of the Inspector General of the National Police Service for debate and adoption by Parliament.

Signed: 

Date: 13th April 2019

Hon. Paul Koinange, MP

Chairperson, National Assembly Departmental Committee on Administration and National Security

Signed: 

Date: 11/4/2019

Sen. Mohammed Yusuf Haji, EGH, M.P

Chairperson, Senate Standing Committee on National Security, Defence & Foreign Relations

1.0 PREFACE

1.0 Communication of the message from H.E. the President

1. Pursuant to Standing Order 42 (1) of the National Assembly Standing Orders and Standing Order 42 (1) of the Senate Standing Orders, on 19th March 2019 and 20th March, 2019, the Speaker of the National Assembly and the Speaker of the Senate respectively conveyed a message to the respective Houses from His Excellency, Hon. Uhuru Kenyatta, CGH., President and Commander in-Chief of the Kenya Defence Forces. The message stated that in exercise of the powers conferred by Article 245 (2) (a) of the Constitution, and in compliance with the procedure set out under section 12 (2) of the National Police Service Act, 2011, the President had nominated Mr. Hilary Nzioki Mutyambai for appointment as the Inspector General of the National Police Service.

1.2 Referral of nomination to Committees

2. The name of the nominee and his curriculum vitae were referred by the National Assembly to the Departmental Committee on Administration and National Security and by the Senate to the Standing Committee on National Security, Defence and Foreign Relations to conduct vetting and table reports to the Houses within the stipulated period.

1.3 Committee membership

The following are the Members of the National Assembly Departmental Committee on Administration and National Security:

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



4. The following are the Members of the Senate Standing Committee on National Security, Defence and Foreign Relations:

- | | |
|-------------------------------------|------------------|
| 1.Sen. Mohamed Yussuf Haji, EGH, MP | Co- Chairperson |
| 2.Sen. Sakaja Johnson, CBS, MP | Vice-Chairperson |
| 3.Sen. Moses Wetang'ula, EGH, MP | |
| 4.Sen. Fatuma Dullo, CBS, MP | |
| 5.Sen. Fred Outa, MP | |
| 6.Sen. Anuar Loititip, MP | |
| 7.Sen. Beatrice Kwamboka, MP | |
| 8.Sen. Judith Pareno, MP | |

The Secretariat

- | | | |
|--------------------------|---|----------------------------------|
| 1. Mr. Njenga Njuguna | - | Director, Committees (Senate) |
| 2. Mr. Nicholas Emejien | - | Deputy Director, Committees (NA) |
| 3. Mr. Abdullahi Aden | - | Senior Clerk Assistant (NA) |
| 4. Ms. Rose Mudibo | - | First Clerk Assistant (Senate) |
| 5. Mr. Joshua Ondari | - | Clerk Assistant III (NA) |
| 6. Mr. Moses Kenyanchui | - | Legal Counsel (Senate) |
| 7. Ms. Brigitta Mati | - | Legal Counsel (NA) |
| 8. Mr. Edison Odhiambo | - | Fiscal Analyst (NA) |
| 9. Mr. Donald Manyala | - | Research Officer (NA) |
| 10. Mr. Humphrey Ringera | - | Research Officer (Senate) |
| 11. Mr. Abdalla Mbore | - | Serjeant at Arms (Senate) |
| 12. Ms. Kaare Naserian | - | Serjeant at Arms (NA) |
| 13. Mr. Fredrick Ouma | - | Serjeant at Arms (Senate) |
| 14. Mr. Ian Otieno | - | Audio Officer (Senate) |



CHAPTER ONE

1.0 BACKGROUND

5. Article 243 (1) of the Constitution establishes the National Police Service. The objects and functions of the National Police Service are set out in Article 244 of the Constitution.
6. Article 245(1) of the Constitution establishes the Office of Inspector-General of the National Police Service. The appointment of the Inspector-General of Police is contained in Article 245(2)(a) of the Constitution. The said Article provides for the appointment of the Inspector-General with the approval of Parliament.
7. The Office of the Inspector-General of the National Police Service fell vacant on Monday 11th March, 2019 after the end of the four-year term of immediate former office holder as provided under article 245(b) of the Constitution.
8. Pursuant to Standing Order 42(1) of the National Assembly and senate Standing Orders, the Speaker of the National Assembly and the Speaker of the Senate on Tuesday, 19th March, 2019 and Wednesday 20th March, 2019 respectively, conveyed a message to respective Houses from His Excellency the President on the nomination of Mr. Hillary Nzioki Mutyambai for appointment to the position of the Inspector-General of the National Police Service.
9. The procedure of engagement for the Committees is set out in the Standing Orders of both Houses and the provisions of the Public Appointments (Parliamentary Approval) Act, 2011. It was resolved that the approval hearing shall proceed as follows:
 - (i) That, the vetting process will be conducted by the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate;
 - (ii) That, the quorum of the joint sittings will be the respective quorum of each of the Committee as stipulated by their respective Standing Orders;
 - (iii) That, pursuant to the fourth schedule of the respective Standing Orders Rule 9(6) and (7) of the Houses of Parliament (Joint Sittings) Rules, unless a decision is reached by consensus, any vote to be taken in the joint sitting of the committees shall be by separate Houses. This will ensure that the numerical difference of the individual members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees; and



(iv) That, the Committees shall, having conducted the approval hearings, submit a Joint Report to the respective Houses in the manner contemplated in Rule 9(8) of the Houses of Parliament (Joint Sittings) Rules.



CHAPTER TWO

2.0 LEGAL FRAMEWORK FOR APPOINTMENT TO THE OFFICE OF THE INSPECTOR- GENERAL OF THE NATIONAL POLICE SERVICE.

2.1 Establishment of the National Police Service

10. Article 243(1) and (2) of the Constitution establishes the National Police Service consisting of the Kenya Police Service and the Administration Police Service. Article 243(3) provides that the National Police Service is a national service and shall function throughout Kenya.

11. Article 244 of the Constitution provides for objects and functions of the National Police Service and states that;

The National Police Service shall—

- (a) Strive for the highest standards of professionalism and discipline among its members;
- (b) Prevent corruption and promote and practice transparency and accountability;
- (c) Comply with constitutional standards of human rights and fundamental freedoms
- (d) Train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity; and
- (e) foster and promote relationships with the broader society.

12. Article 245(1) of the Constitution establishes the office of the Inspector-General of the National Police Service, while Article 245(2) provides that the Inspector-General, shall be appointed by the President with the approval of Parliament and shall exercise independent command of the National Police Service.

13. The National Police Service Act of 2011, as amended by the National Police Service (Amendment), Act No. 11 of 2014 and the Security Laws (Amendment), Act No. 19 of 2014 sets out the functions, powers and qualifications for appointment to the Office of Inspector-General of the National Police Service. On the other hand, the Public Appointments (Parliamentary Approval) Act provides for the procedures for parliamentary approval of constitutional and statutory appointments.

2.2 Functions and powers of the Inspector General of Police

14. Sections 10(1) and 10(4) of the National Police Service Act sets out the functions and powers of the Inspector- General as follows -

The functions of the Inspector-General shall be to-



- (a) implement policy decisions;
- (b) audit of police operations and functioning;
- (c) co-ordinate all police operations;
- (d) advise the Government on policing matters and services;
- (e) prepare budgetary estimates and develop a policing plan before the end of each financial year, setting out the priorities and objectives of the service and the justification thereof;
- (f) determine the establishment and maintenance of police stations, posts, outposts, units or unit bases in the county and determine the boundaries of the police stations, outposts or unit bases;
- (g) determine the distribution and deployment of officers in the Service and recommend to the Commission and the County Policing Authorities;
- (h) organize the Service at national level into various formations, units or components;
- (i) recommend the establishment of, manage and maintain training institutions, centers or places for the training of officers joining the service and other officers;
- (j) commission research and benchmark against best practices;
- (k) issue guidelines on community policing and ensure co-operation between the Service and the communities it serves in combating crime;
- (l) provide the command structure and system of the Service for the efficient administration of the Service nationally;
- (m) subject to the Constitution and this Act. or any written law, cooperate with and implement the decisions of the Independent Policing Oversight Authority;
- (n) designate any police station, post, outpost, unit or unit base as a place of custody;
- (o) promote co-operation with international police agencies;
- (p) establish and devolve the services of the Internal Affairs Units that are able and equipped to conduct investigations into police misconduct in a fair and effective manner and report directly to the Inspector-General;
- (q) monitor the implementation of policy, operations and directions of the Service;
- (r) issue and document Service Standing Orders;
- (s) cooperate with other public or private bodies to provide reliable police statistics on crime rates, detection rate, public confidence in the police, number of complaints against the police, as well as personnel statistics;
- (t) act on the recommendations of the Independent Policing Oversight Authority, including compensation to victims of police misconduct; and
- (u) perform any other lawful act on behalf of the Service.

15. Section 10 (4) on the other hand provides the Powers of the Inspector General for the performance of such functions; and requires the office holder to uphold the national values, principles and objects set out in Articles 10, 232 and 244 of the Constitution.

2.3 Qualifications for Appointment to the Office of the Inspector-General of the National Police Service

16. Sections 11(1) and 11(3) of the National Police Service Act, 2011 sets out the qualifications of a person for appointment to the office of the Inspector-General of the National Police Service as follows:

A person shall be qualified for appointment as Inspector-General if such person-

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has had a distinguished career in their respective fields;
- (d) meets the requirements of Chapter Six of the Constitution;
- (e) has served in a senior management position for at least fifteen years and has knowledge and experience in matters relating to any of the following discipline-
 - (i) criminal justice;
 - (ii) policy development and implementation;
 - (iii) finance and public administration;
 - (iv) strategic management;
 - (v) security;
 - (vi) law;
 - (vii) sociology; or
 - (viii) Government.

17. Section 11(3) on the other hand sets out circumstances which may disqualify a person for appointment to the office of the Inspector-General. It states:

“No person shall be qualified for appointment as Inspector-General or Deputy Inspector-General if the person-

- (a) is a member of Parliament or a county assembly, a Governor or Deputy Governor;
- (b) has served as a member of Parliament, county assembly, trade union or an office in a political party in Kenya in the preceding five years;
- (c) has previously been convicted of any criminal offence;
- (d) has violated the Constitution; or
- (e) is an undischarged bankrupt.”

2.4 Procedure for Appointment of the Inspector General of the National Police Service

18. Pursuant to Article 245(2)(a) of the Constitution and section 12(1) of the National Police Service Act, the Inspector-General is appointed by the President with the approval of Parliament.

19. Section 12 of the National Police Service, Act No. 11 of 2011 as amended by section 11 of the National Police Service (Amendment), Act No. 11 of 2014 and section 86 of the



Security Laws (Amendment) Act No. 19 of 2014 provides for the procedure for the appointment of the Inspector-General of the National Police Service.

20. Section 12(2) provides that the President shall, within fourteen days after a vacancy occurs in the office of the Inspector-General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament.

2.5 Procedure for Parliamentary Approval

21. After the President has submitted the name of a nominee together with his/her curriculum vitae, Parliament is guided by the Public Appointments (Parliamentary Approval) Act and the Standing Orders of both Houses in conducting approval hearings. Sections 5, 7 and 8 of the Public Appointments (Parliamentary Approval) Act provides that-

(i) Section 5

(1) An appointing authority shall, upon nominating a person for an appointment to which this Act applies, notify the relevant House of Parliament accordingly.

(2) A notification under subsection (1) shall be—

(a) in writing;

(b) be lodged with the Clerk of the relevant House of Parliament.

(3) A notification of appointment shall be accompanied by information concerning the nominee, having regard to the issues mentioned in section 7.

(4) For purposes of this Act, a notification of nomination shall be deemed to be duly given on the day on which it complies fully with subsections (2) and (3).

(ii) Section 7

The issues for consideration by the relevant House of Parliament in relation to any nomination shall be; -

(a) the procedure used to arrive at the nominee;

(b) any constitutional or statutory requirements relating to the office in question; and

(c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

(iii) Section 8

(1) Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision made within fourteen days from the date on which the notification of nomination was given in accordance with section 5.

(2) At the conclusion of an approval hearing, the Committee shall prepare its report on the suitability of the candidate to be appointed to the office to which the candidate has been nominated and shall include in the report, such recommendations as the Committee may consider necessary.

2.6 Issues for Consideration in Conducting the Approval Hearing

2.6.1 Public access and participation

22. Article 118(1) of the Constitution provides that Parliament shall conduct its business in an open manner, and its sittings and those of its committees shall be open to the public and facilitate public participation and involvement in the legislative and other business of Parliament and its committees.
23. Under Article 118(2) Parliament may not exclude the public, or any media, from any sitting unless in exceptional circumstances the relevant Speaker has determined that there are justifiable reasons for the exclusion.
24. In conducting the approval hearing, the two Committees were guided by the Constitution, the National Police Service Act, 2011 and Public Appointments (Parliamentary Approval) Act No. 33 of 2011.
25. Some of the provisions of the Constitution that guided the two Committees in conducting the approval hearings are:
- i. Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; good governance, integrity, transparency and accountability; and sustainable development.
 - ii. Article 73(2) of the Constitution which provide that the guiding principles of leadership and integrity include
 - a. selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
 - b. Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
 - c. Selfless service based solely on the public interest, demonstrated by—
 - i) Honesty in the execution of public duties; and,
 - ii) The declaration of any personal interest that may conflict with public duties;
 - d. Accountability to the public for decisions and actions; and
 - e. Discipline and commitment in service to the people.
 - iii. Article 232 of the Constitution provides for the values and principles of public service which include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policymaking; accountability for administrative acts; transparency and provision to the public of timely, accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and affording adequate and equal

opportunities for appointment, training and advancement, at all levels of the public service of men and women; the members of all ethnic groups; and persons with disabilities.

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



CHAPTER THREE

3.0 THE VETTING PROCESS

3.1 Message from His Excellency the President

62. Pursuant to Standing Order 42(1) of the National Assembly and the Senate Standing Orders, the Speaker of the National Assembly and the Speaker of the Senate, on Tuesday, 19th March, 2019 and on Wednesday, 20th March 2019 respectively, conveyed to the respective Houses, a Message from His Excellency, the President on the nomination of Mr. Hilary Nzioki Mutyambai for appointment to the office of the Inspector-General of the National Police Service.

63. The name of the nominee and his curriculum vitae were referred to the National Assembly Departmental Committee on Administration and National Security and the Senate Standing Committee on National Security, Defence and Foreign Relations to conduct a joint approval hearing and table reports to the respective Houses within the stipulated period.

3.2 Clearance Requirements

64. Following the receipt of the communication from the Speaker of both the National Assembly and the Speaker of the Senate to the afore-mentioned Committees, the Clerk of the National Assembly and the Clerk of the Senate jointly wrote letters to relevant institutions seeking information on the nominee as listed below:

	INSTITUTION NAME	DATE SENT	PURPOSE OF THE LETTER
1	Ethics & Anti-Corruption Commission – E.A.C.C	21.03.2019	Integrity of Nominee
2	Kenya Revenue Authority –K.R.A.	21.03.2019	Tax compliance by the Nominee
3	Higher Education Loans Board – H.E.L.B	21.03.2019	Loans owed by the Nominee
4	Directorate of Criminal Investigations	21.03.2019	Certificate of Good Conduct
5	Commission for University Education - C.U.E	21.03.2019	Authenticity of Academic Certificates
6	Office of the Registrar of Political Parties	21.03.2019	Membership of any Political Party

3.3 Notification to the Nominee

30. On Thursday, 21st March 2019, the Clerk of the National Assembly and the Clerk of the Senate, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), notified the nominee of the time and place for holding the approval hearing.

31. The nominee was required to present his original identity card, academic and professional certificates and other relevant testimonials. In addition, the nominee was requested to bring letters/certificates of clearance/compliance from the Ethics and Anti-Corruption Commission, Kenya Revenue Authority, Higher Education Loans Board, Directorate of Criminal Investigations and any Credit Reference Bureau.

32. Further, the nominee was required to fill and present to the Committees a questionnaire extracted from the Public Appointments (Parliamentary Approval) Act, 2011.

3.4 Notification to the Public

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

34. On Thursday, 21st March, 2019 the Office of the Clerk of the National Assembly and the Clerk of the Senate jointly published an advertisement in the print media inviting members of the public to present written statements referred to in Section 6(9) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011. The written statements were to be submitted on or before on Wednesday, 27th March, 2019 at 5:00 pm.

35. Pursuant to Article 118 (1)(a)(b) and (2) of the Constitution, and Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and provisions of the relevant Standing Orders of the Houses, another advertisement was issued on Thursday, 21st March, 2019 to notify the public that the Departmental Committee on Administration and National Security of the National Assembly and Standing Committee on National Security, Defence and Foreign Relations of the Senate would conduct a joint approval hearing on Thursday, 28th March, 2019.

3.5 Committee Meetings

36. The Committees held a preparatory meeting on Wednesday, 27th March, 2019 to familiarize with the curriculum vitae of the nominee and prepare for the approval hearing pursuant to the provisions of the Public Appointments (Parliamentary Approval) Act No.33 of 2011.
37. Upon a request from Amnesty International through a letter received on 22nd March, 2019, the Committees met the Police Reforms Working Group and Amnesty International-Kenya on Wednesday, 27th March, 2019 on possible areas of focus by the office holder of the Office of Inspector-General of National Police Service.
38. The Committees carried out the vetting exercise on Thursday, 28th March, 2019.

3.6 Clearance Letters

39. The Committees received letters from:
- i. Kenya Revenue Authority, indicating that the nominee was tax compliant;
 - ii. Higher Education Loans Board, stating that the Board was not owed any loans by the nominee;
 - iii. The Ethics and Anti-Corruption Commission confirming that they had not undertaken any investigations against the nominee;
 - iv. Directorate of Criminal Investigations outlining the nominees experience;
 - v. The Office of the Registrar of Political Parties stating that the nominee was not an official of any registered political party;
 - vi. The Commission for University Education confirming that Australian National University is a recognized University in Australia and the qualification of Master of Arts in National Security Policy awarded by the said institution is also recognized in Australia and by convention in Kenya.
40. The nominee also presented before the Committees his Certificate of Good Conduct issued by the Directorate of Criminal Investigations.

3.7 Written Statement on Oath

41. The Committees did not receive any written statement on oath (affidavit) in respect of the nomination of Mr. Hilary Nzioki Mutyambai for appointment to the position of the Inspector-General of the National Police Service.



CHAPTER FOUR

4.0 THE APPROVAL HEARING

4.1 Introduction

42. Mr. Hilary Nzioki Mutyambai, the nominee for appointment to the position of Inspector-General of the National Police Service appeared before a joint sitting of the Departmental Committee on Administration and National Security of the National Assembly, and the Standing Committee on National Security, Defence and Foreign Relations of the Senate on Thursday, 28th March, 2019, for the approval hearing.

43. In conducting the approval hearing, the Committees were guided by the Constitution, the National Police Service Act, 2011, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the Standing Orders of the respective Houses.

44. The Committees considered the nominee's academic qualifications, employment record and work experience, professional association, public office, political activities and affiliations, potential conflict of interest, suitability to the position, tax compliance and integrity in vetting the nominee.

4.2 The Nominee's Profile

Mr. Hilary Nzioki Mutyambai informed the Committees that –

a) **Citizenship, Date and Place of Birth**

45. He is a Kenyan citizen, born on 24th September, 1964 in Nairobi.

b) **Academic Qualifications and Professional Courses**

46. He holds a Master of Arts degree in National Security from Australian National University and a Bachelor of Science degree in Agriculture from the University of Nairobi. He has also attended the following professional trainings-

- (i) Leadership Seminar, Counterterrorism Training Group, New Orleans, Louisiana, United States of America;
- (ii) Performance Management Systems Course from the Kenya Institute of Administration;
- (iii) Senior Management Course at the Kenya Institute of Administration;
- (iv) Operational Management Course in the United Kingdom;
- (v) Police Higher Training Course;
- (vi) Special Inspectorate Course;
- (vii) Professional Development Program in Policing, Intelligence and Counter Terrorism; and
- (viii) Detection and Prevention of Frauds and Forgeries Course in Kenya School of Monetary Studies.

c) Employment Record and Work Experience

47. He is currently serving as the Deputy Director, Counter Terrorism Centre at the National Intelligence Service (NIS). His responsibilities include advising the Director-General of the NIS on matters of counter terrorism and emerging threats nationally and globally, and the provision of intelligence to the National Police Service.
48. He has served as the Regional Intelligence Coordinator in Coast and Nairobi regions. During this period, he was instrumental in implementing operations and the prevention of organized and militant terror groups through multi agency cooperation.
49. He has also served as Second Secretary at the Kenyan-High Commission in-Uganda.
50. He has served as a superintendent of Police.

d) Suitability for the Position of Inspector-General National Police Service

51. The nominee informed the Committees that he is an accomplished professional in the areas of criminal investigation and security with 27 years of investigative and law enforcement experience.

e) Integrity

52. The nominee informed the Committee that he had never been mentioned adversely in any report by a Parliamentary Committee or an Independent Commission. He also confirmed that he had no previous conviction or an ongoing case in court. He is a person of integrity.
53. The nominee further submitted clearance from the Ethics and Anti-Corruption Commission, the Directorate of Criminal Investigation, the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties.

4.3 Key Issues Arising from the Vetting Process

54. The nominee in responding to questions from the members informed the Committees of the following key issues which he would deal with, if appointed to the position of Inspector-General of the National Police Service –

4.3.1 On Corruption in the National Police Service

55. The nominee informed the Committee that he will be guided by Chapter six of the Constitution on leadership and integrity and he will work closely with the Ethics and Anti-Corruption Commission in investigating and taking action against corrupt police officers.

56. ~~The nominee further informed the Committee that he would establish monitoring and~~ evaluation policies to address integrity issues and enhance ethics in the National Police Service as enshrined in Articles 10 and 232 of the Constitution.

4.3.2 On efficiency in service delivery



57. The nominee informed the Committee that he will fast-track the full operationalization of the forensic laboratory at the Directorate of Criminal Investigations (DCI) Headquarters, for effective and efficient investigations of cases of crime.

4.3.3 On the relationship between the Kenya Police and the Administration Police

58. The nominee informed the Committees that he will apply change management strategy, undertake a multi-agency stakeholder engagement approach to create harmony among police officers in addressing the challenges facing the service for effective and efficient service delivery.

4.3.4 Conflict of interest between the National Police Service and the National Police Commission

59. The nominee stated that the Constitution is clear on the mandate of the two institutions, and therefore there is no conflict in performance of duties or grey areas between the two offices as the Commission is in charge of the human resource functions of the police while the Inspector General of Police Service is responsible for the for day to day operations of the Police Service.

4.3.5 On gender-based violence

60. The nominee informed the Committees that there are policies and guidelines setting out how gender-based violence cases should be treated by the police. He will therefore enforce the operationalization of such guidelines and policies and enhance the gender-based violence desks in every police station in the country. He will further spearhead the process of digitization of the complaints system in order to address issues that will stigmatize GBV victims and survivors.

4.3.6 On the welfare of police officers

61. The nominee informed the Committees that there are ongoing reforms in the police service. However, he will address the following issues as part of the ongoing reforms-

- (i) **Remuneration of police-** He will engage the Salaries and Remuneration Commission and the National Police Service Commission in finding a lasting solution.
- (ii) **House allowance and co-existence between police officers and the citizens-** The nominee informed the Committees that he will initiate building bridges initiatives between the public and the National Police Service through *Nyumba Kumi Initiative*, with a multi-agency approach concept. The nominee further pledged to take up the housing matter as a priority and consult widely.
- (iii) **Insurance and medical scheme for police officers** - The nominee informed the Committees that he was aware that there exists insurance for all Security Officers and pledged to fast track the construction of a Police Referral Hospital if approved as the Inspector General.

- (iv) Police officers who die in the line of duty- The nominee informed the Committees that he will engage the National Police Service Commission to put in place measures to cater for the welfare of the families of police officers who die in the line of duty.

4.3.7 On extra-judicial killings

62. The nominee informed the Committees that he is aware of the allegations of extra judicial killings and violations of human rights by police officers. He informed the Committees that he will be guided by the Constitution, and the rule of law to ensure that police officers are accountable to their deeds. He will also work closely with the Independent Policing Oversight Authority (IPOA) and the Office of the Director of Public Prosecution (ODPP) to safeguard the rights of Kenyans.

4.3.8 On organized criminal gangs

63. The nominee informed the Committees that he has experience and capacity to identify criminal elements and handle the emergence of criminal gangs.

64. He will also operationalize the forensic laboratory at the DCI headquarters and equip it with sufficient resources in a bid to fight the crime menace in the country.

On cattle rustling

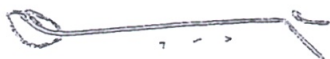
65. The nominee informed the Committees that he will use his experience and lessons learnt, having served as an attaché in Uganda, in deploying other alternative mechanisms of combating cattle rustling through the involvement of local communities, religious leaders and the local administration.

4.3.10 On the role of the Directorate of Criminal Investigations (DCI) in fighting corruption vis a vis the role of the Ethics and Anti-Corruption Commission

66. The nominee informed the Committees that pursuant to Article 244 (b) of the Constitution, the National Police Service is mandated to prevent corruption, promote, practice transparency and accountability, while the Ethics and Anti-Corruption Commission as established under Article 79 of the Constitution is mandated to prevent corruption, economic crime and unethical conduct, promotion of standards and practices of integrity ethics and anti-corruption. Each of the agencies therefore has a distinct role in the fight against corruption and can work together for the benefit of Kenyans.

4.3.11 On ethnicity

67. The nominee informed the Committees that he will serve the people of Kenya diligently irrespective of their ethnic backgrounds and that he will adhere to the provisions of Article 10 of the Constitution on national values and principles of good governance.



4.3.12 On demonstrations and picketing

68. The nominee informed the Committees that every person has the right to peaceful demonstration as enshrined in Article 37 of the Constitution. However, the police have a mandate to maintain law and order in the country. The law is clear on when a police officer can use force for example to immobilize a threat to protect the life of the police officer or another person. He further informed the Committee that in instances where police officers are alleged to have acted outside the law, he will engage the Independent Policing Oversight Authority for appropriate action.

4.3.13 On police roadblocks

69. The nominee informed the Committees that he will ensure that police roadblocks are objective based and meaningful. He will ensure that road blocks are deployed on need basis and after ascertaining the levels of threats.

4.3.14 On possession of firearms by the civilians

70. The nominee informed the Committees that he was aware of the decentralization of the Fire Arms Licensing Board and that fresh vetting of holders of fire arm holders was ongoing. He will support the process to ensure that all fire arms held by civilians are legal.

4.3.15 On the matter regarding the operations of County Governments enforcement of- ficers

71. The nominee informed the Committees that the county governments enforcement officers play an important role in maintaining law and order. He will work closely with county governments to streamline the operations of county governments enforcement officers to ensure that there is no misuse or abuse of power.

4.3.16 On the matter regarding his promotions in the service

72. The nominee informed the Committees that he joined the Police Service as a graduate. During that period, he had an added advantage that enabled him to rise through the ranks since there were few graduates then. His promotions were done competitively and were based on merit.

4.3.17 Operationalization of County Policing Authority

73. The nominee promised that he will look at the law with a view of determining the issues hindering its operationalization and liaise with relevant authorities to ensure that its operationalized.

4.3.18 on failure to deposit his master's degree certificate with the Commission of Uni- versity Education

74. The nominee acknowledged that he had not deposited his master's degree certificate with the Commission of University Education and promised to do so as soon possible.



4.3.19 on obeying Court orders

75. The Constitution and National Police Service Act provides for the independence of the Office of the Inspector-General and will empower him to make fair decisions to act on matters where the law has been broken.

4.3.20 Partnership with the private security

76. The nominee confirmed that the Private Security is a stakeholder that he would partner with to enhance security in the country.

4.3.21 National Police Reserve

77. The nominee stated that he is aware of the fresh vetting of police Reservists in the country to enhance their efficiency.

4.3.23 Stay of officers in one station

78. The nominee explained that the existing policy stipulates that an officer should not stay in one station for more than three years and pledged to ensure implementation of the policy for efficient service delivery.

4.3.24 On the relationship between the Office of the Inspector-General and the Independent Policing Oversight Authority (IPOA)

79. The nominee stated that IPOA is responsible for conducting investigations on police misconduct while the Inspector General of Police is mandated to work on the recommendations of IPOA whereas Parliament oversees both the IG and IPOA.

4.3.25 On inept police stations/ officers

80. The nominee informed the Committees that he will minimize the response time and focus on police station service delivery to members of the public.

4.3.26 On the police service as the weak link in fighting corruption and prosecution of crimes

81. The nominee informed the Committees that there are many players in the criminal justice system and that he will identify gaps and propose solutions.



CHAPTER FIVE:

5.0 COMMITTEE OBSERVATIONS

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


1. THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is a Kenyan citizen and does not hold dual citizenship;
2. THAT, the academic credentials, and professional training and experience of the nominee is in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011;
3. THAT, the nominee is currently serving as Deputy Director Counter Terrorism at the National Intelligence Service tasked with advising the Director General on matters of counter terrorism and emerging threats nationally and globally;
4. THAT, the nominee demonstrated vast experience in policing, security, intelligence and investigation with 27 years of investigative and law enforcement experience;
5. THAT, the nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity;
6. THAT, the nominee has not been charged in a court of law or mentioned adversely in a Parliamentary Committee report or Commission of Inquiry;
7. THAT, as stipulated in Article 75(1) of the Constitution, the nominee has no potential conflict of interest;
8. THAT, the nominee satisfies the requirements of Article 77(1) of the Constitution in that he does not intend to participate in any other gainful employment;
9. THAT, the nominee does not hold office in any registered political party hence satisfies the provisions of Article 77(2) of the Constitution;
10. THAT, the nominee has never been dismissed from office for contravention of the provisions of Articles 75(1) (conflict of interest), 76 (financial probity), 77 (restriction of State Officers) and 78(2) (dual citizenship) of the Constitution;
11. THAT, the Committees did not receive any written statements on oath (affidavit) with regard to the suitability or otherwise of the nominee;
12. THAT, the nominee was cleared by the Credit Reference Bureau, the Higher Education Loans Board, Directorate of Criminal Investigations, Kenya Revenue Authority and the Ethics and Anti-Corruption Commission, therefore making him fit to hold public office as per the requirements of Chapter Six of the Constitution; and
13. THAT, the nominee has the necessary experience and qualifications to hold the Office of the Inspector-General of the National Police Service as per the requirements of the National Police Service, Act No. 11 of 2011.

CHAPTER SIX

COMMITTEES RECOMMENDATION

The Committees made the following recommendation:

That, having considered the suitability, capacity and integrity of the nominee, and pursuant to Article 245(2) of the Constitution and Section 8 (2) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, the Committee recommends that Parliament approves the nomination and subsequent appointment of Mr. Hilary Nzioki Mutyambai to the position of the Inspector-General of the National Police Service.

Signed: 

Sen. Mohammed Yusuf Haji, EGH, M.P

Chairperson, Senate Standing Committee on National Security, Defence & Foreign Relations

Date: 1st April 2019

Signed: 

Hon. Paul Koinange, MP

Chairperson, National Assembly Departmental Committee on Administration and National Security

Date: 1st April 2019



SECRETARIAT

1. Njenga Njuguna - Director Committee Services, Senate
2. Nicholas Emejen - Deputy Director Committees, National Assembly
3. Josephine Kusinyi - Principal Legal Counsel, Senate
4. Rose Mudibo - First Clerk Assistant, Senate
5. Abdullahi Aden - Committee Clerk, National Assembly
6. Moses Kenyanchui - Legal Counsel, Senate
7. Brigitta Mati - Legal Counsel, National Assembly
8. Humprey Ringera - Research Officer
9. Donald Manyala - Research Officer

MINUTE NO./SEN/ANS/NSDFR/2019/001: PRAYER

The sitting commenced at 10.15 a.m. with a word of prayer and self-introductions.

MINUTE NO./SEN/ANS/NSDFR/2019/002: AGENDA

The Agenda of the meeting was adopted as follows;

1. Prayer
2. Adoption of Agenda
3. Introductions
4. Preliminary remarks from the Committee Chairpersons
5. Matrix – Indicative programme of events
6. Briefing by the Committee Clerks
7. Any other business
8. Adjournment

MINUTE NO./SEN/ANS/NSDFR/2019/003: PRELIMINARY REMARKS BY CHAIRPERSONS

The Chairpersons of the Departmental Committee on Administration & National Security of the National Assembly and the Standing Committee on National Security of the Senate welcomed the Members of both Committees to the meeting and thanked them for availing themselves in good time.

MINUTE NO./SEN/ANS/NSDFR/2019/004: MATRIX INDICATIVE PROGRAMME OF EVENTS

The Legal Counsel presented a matrix indicating a programme of events putting in mind the timelines and the provisions of law as attached to the minutes. The secretariat was tasked to update the matrix amended the dates appearing as March to April noting that it was a typo error.

MINUTE NO./SEN/ANS/NSDFR/2019/005:

BRIEFING BY THE
COMMITTEE CLERK

The Committee Clerk briefed the Committees that-

1. Letters had been sent out the Ethics and Anti-Corruption Commission, Kenya Revenue Authority, Office of the Registrar of Political Parties, Higher Education Loans Board, Commission of University Education and the Directorate of Criminal Investigations on 21st March, 2019.
2. At the time of the meeting the Committees were in receipt from responses from the Higher Education Loans Board and Kenya Revenue Authority.

MINUTE NO./SEN/ANS/NSDFR/2019/006:

MEETING WITH THE
AMNESTY INTERNATIONAL

The Chairpersons briefed the Members that the Committees were in receipt of a letter from Amnesty International requesting meeting with the Committee and had been allocated 11.00 a.m. of the same day.

After lengthy discussions, the Committees resolved to meet with the representative from Amnesty International and they deliberated with the Committee on the expectations of the new Inspector General of Police.

MINUTE NO./SEN/ANS/NSDFR/2019/007:

ADJOURNMENT

There being no other business the Committee adjourned at 11.45 a.m.

Signature:..........Date: 1st April 2019.....

Chairperson, Departmental Committee on Administration and National Security of
the National Assembly

Signature:..........Date: 1st April 2019.....

Chairperson, Standing Committee on National Security, Defence and Foreign
Relations of the Senate



MINUTES OF THE 2ND JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY OF THE NATIONAL ASSEMBLY AND THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS OF THE SENATE, HELD ON THURSDAY 28TH MARCH, 2019, IN THE MINI-CHAMBER, COUNTY HALL BUILDINGS, AT 10.00 A.M.

PRESENT

Departmental Committee on Administration and National Security

1. Hon. Koinange, Paul Chairperson
2. Hon. Koyi, John Waluke Vice-Chairperson
3. Hon. Owuor, Joshua Aduma, MP
4. Hon. Wamunyinyi, Athanas Misiko Wafula. MP
5. Hon. Kaluma, George Peter Opondo, MP
6. Hon. Dr. Makali Mulu, MP
7. Hon. Tum, Tecla Chebet, MP
8. Hon. Mutua, Didimus Wekesa Barasa, MP
9. Hon. Arbelle, Marselino Malimo, MP
10. Hon. Wachira, Josphat Kabinga, MP
11. Hon. Wambugu, Martin Deric Ngunjiri, MP
12. Hon. Shurie, Abdi Omar, MP
13. Hon. Masara, Peter Francis, MP
14. Hon. Kaunya, Edward Oku, MP

Standing Committee on National Security, Defence and Foreign Relations

1. Sen. Mohamed Yusuf Haji, EGH, M.P. Chairperson
2. Sen. Johnson Sakaja, MP Vice-Chairperson
3. Sen. Fatuma Dullo, CBS, M.P
4. Sen. Judith Pareno, MP
5. Sen. Moses Wetang'ula, EGH, MP
6. Sen. Fred Outa, MP

ABSENT WITH APOLOGY

Departmental Committee on Administration and National Security

1. Hon. Theuri, George, MP
2. Hon. Muturi, Geoffrey Kingagi, MP
3. Hon. Mbai, Nimrod Mbithuka, MP
4. Hon. Yussuf, Mucheke Halima, MP

Standing Committee on National Security, Defence and Foreign Relations

1. Sen. Susan W. Kihika, MP
2. Sen. Anuar Loititip, MP
3. Sen. Beatrice Kwamboka, MP

INATTENDANCE - PRESIDENTIAL NOMINEE

Hillary Nzioki Mutyambai - Nominee to the position of Inspector General, National
Police Service

INATTENDANCE - PARLIAMENT

1. Hon. Eng. Vincent Musyoka, MP
2. Sen. Enoch Wambua, MP
3. Sen. Boniface Kabaka, MP

SECRETARIAT

- | | | |
|----------------------|---|---|
| 1. Njenga Njuguna | - | Director Committee Services, Senate |
| 2. Nicholas Emejien | - | Deputy Director Committees, National Assembly |
| 3. Josephine Kusinyi | - | Principal Legal Counsel, Senate |
| 4. Rose Mudibo | - | First Clerk Assistant, Senate |
| 5. Abdullahi Aden | - | Committee Clerk, National Assembly |
| 6. Joshua Ondari | - | Committee Clerk, National Assembly |
| 7. Moses Kenyanchui | - | Legal Counsel, Senate |
| 8. Brigitta Mati | - | Legal Counsel, National Assembly |
| 9. Humprey Ringera | - | Research Officer |
| 10. Donald Manyala | - | Research Officer |

MINUTE NO./SEN/ANS/NSDFR/2019/008: PRAYER

The sitting commenced at 10.30 a.m. with a word of prayer and self-introductions.

MINUTE NO./SEN/ANS/NSDFR/2019/009: ADMINISTRATION OF OATH

The nominee to the position of Inspector General of Police, Mr. Hillary Nzioki Mutyambai took an Oath administered by the Committee Secretariat.

MINUTE NO./SEN/ANS/NSDFR/2019/010: PRELIMINARY REMARKS BY CHAIRPERSONS

The Chairpersons of the Departmental Committee on Administration & National Security of the National Assembly and the Standing Committee on National Security of the Senate welcomed the Members and thanked them for keeping time.

The Chairpersons welcomed the nominee to the position of the Inspector General, National Police Service, Mr. Hillary Nzioki Mutyambai to the meeting, and briefed him that the purpose of the two Committees was to vet him in line with Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011.

MINUTE NO./SEN/ANS/NSDFR/2019/011: REMARKS BY THE MR. HILLARY NZIOKI MUTYAMBAI

The nominee introduced himself to the Committees and thanked them for the opportunity to appear before them and gave detailed remarks about himself, including his background and career.

The Chairpersons opened the floor and welcomed Members to put questions to the nominee.

Questions put to the nominee on the following if approved to the position of Inspector General;

1. Corruption that runs at all levels in the National Police Service.
2. Extra judicial killings in the country and how he plans to handle it.
3. Clarify where he was born considering that his identity card reads Machakos while his birth certificate reads Ngara.
4. Comment on the tension that exists between the different departments in the Security Sector and the tensions that exist in citizen oriented organizations and the security sector.
5. Streamlining of promotions in the National Police Service
6. Disobedience of court orders by security systems.
7. Perception of a force to a National Police Service in alignment with the Constitution of Kenya.
8. Police recruitments working together with the National Police Commission.
9. Rampant vice of rape and gender violence
10. Welfare of the police officers and additional ways of improvement.
11. House allowances of police officers and how they will be able to leave with the civilians.
12. Counter terrorism, kidnappings and killings.
13. Cattle rustling in the country.
14. Relations with IPOA.
15. Implementation of the County Policing Authority.
16. If the presence of the Kenya Military in Somalia contributes to the terror attacks in the country.
17. Handling of criminal gangs and groupings.
18. Unlawful use of arms for both security officers and civilians.
19. Working relationship with the civil societies.
20. Lifestyle audit.
21. Excessive use of force by police to demonstrators.
22. Management of roadblocks in the country.
23. Position of the police in the link in the fight against corruption and give proposals to improve.
24. Composition of officers in the Police Service in accordance to Article 10 of the Constitution to reflect the face of Kenya.
25. Officers killed in line of duty and their families, especially education.
26. Give details of positions served in the service.
27. County law enforcers and use of force.
28. Partnership with the Private Security Workers.
29. Drug abuse and use of narcotics in the country.

30. Role of the DCI in the fight against corruption as opposed to EACC to avoid overlaps.
31. Strategy for professionalism and accountability.
32. Plans on handling the previous police quarters.
33. Explain how the nominee got promoted to the rank of deputy director in a short period of service.
34. Give details of income.
35. Comment on action that will be taken on officers who were wrongly dismissed from the service due to unfair hearings.
36. Comment on the Dusit D2 attack, and why there was no alert to citizens of Kenya as opposed to the American Citizens.
37. Ethnicity in the service.
38. Inform the Committee if the nominee attended the National Youth Service before joining the University.
39. Team work.
40. If the nominee has deposited his Masters degree certificate with the Commission of University Education
41. Support for the DCI in all areas of criminal justice.
42. Police officers staying in the same station for too long.
43. Policy on police reservists.
44. Affirmation to serve Kenyans regardless of their ethnic background.
45. Insurance and medical scheme for police officers

Response from the Nominee

In his response the nominee stated as follows-

1. **Corruption** – The nominee will approach corruption in all practical ways possible, led by example and handle the corrupt officers within the law. The nominee will identify gaps and come up with appropriate solutions.
2. **Rule of law and human rights** - The nominee confirmed that he is aware of the happenings and will be guided by the rule of law noting that no police officer is above the law.
3. **Birth Certificate** – The nominee clarified that he was born in Pumwani Nairobi but brought up in Machakos.
4. **Tension between Security Departments** – The nominee has been privileged to be part of the multi- agency approach and will apply change management to bring every department on board.

5. **Police killings** – Will work closely with IPOA in dealing with particular officers who break the law.
6. **Court orders** – The nominee will be fair and avoid influence.
7. **Conflict of interest between the National Police Service and the National Police Commission** – The nominee stated that there is no conflict of duties or grey areas between the two institutions.
8. **Gender violence** – The nominee explained that there exists guidelines and policies on gender violence. The nominee pledged to ensure that the available guidelines are operationalized and will implement digitization of complaints at the station level. The nominee pledged to enhance the gender violence desks at all police stations to make it people complaint friendly.
9. **House allowance and co-existence between police officers and the citizens**- The nominee informed the Committees that he will initiate building bridges initiatives between the public and the National Police Service i.e. through Nyumba Kumi, with a multi-agency approach concept. The nominee further pledged to take up the housing matter as a priority and consult widely.
10. **Insurance and medical scheme for police officers** – The nominee informed the committees that he was aware that there exists insurance for all Security Officers and pledged to implement a Police Referral Hospital if approved as the IG.
11. **Extra judicial killings** – Nominee will use all available resources to take action against any officer is found to be involved in the extra judicial killings.
12. **Terrorism and Killings** – The nominee noted that Counter Terrorism sector mostly deals with getting and providing information and advice but if given a chance as an Inspector General he would be in a position to implement using the information and advice received from the counter terrorism sector.
13. **Cattle rustling** – The nominee will use his past experience gained in his tour of duty in Uganda and noted that the matter need a wider and alternative peace approach.
14. **IPOA** – The nominee committed himself to act on recommendations of IPOA if given a chance to serve as the Inspector General of Police.
15. **County Policing Authority** – The nominee promised to look into the issues that have caused the non-implementation of the County Policing Authorities.

16. **Gang attacks** – The nominee pledged to scale and enhance service delivery at the station level to avoid the attacks like that at Kilingili Market, Vihiga County.
17. **Net worth** – the nominee informed the Committees that his net worth is Kshs.30 million with one source of income.
18. **Roadblocks**– The nominee noted that the he will endeavor to initiate roadblocks only with objectivity and meaning. He explained that in some cases the depending with the need, the roadblocks become useful.
19. **Welfare of police officers** – the nominee said that he will engage with the SRC with a view of improving the lives of the police officers and their families.
20. **Ethnicity in the National Police Service** - The nominee affirmed to serve all Kenyans irrespective of their ethnic background.
21. **Rise in the Service** – The nominee explained to the Committees that due to his hard work, good education background in his early employment gave him an advantage to rise to his current position and confirmed that he attended the National Youth Service before joining the University.
22. **Commission of University Education** – The nominee acknowledged that he had not deposited his Master's Degree Certificate to the Commission of University Education and promised to as soon possible.
23. **Civilian fire arms** – The nominee informed the Committees that he was aware of the decentralization of the board and that vetting of holders of fire arm holders was ongoing and was ready to support the process to ensure that all fire arms held by civilians are legal.
24. **Team work** – The nominee informed the Committees that he believes in team work and that he has always been a team player in his working experience.
25. **Conflict between the Director of Criminal Investigations and the EACC on Corruption** – The nominee stated that Art. 244 of the Constitution empowers the National Police Service to investigate corruption while EACC is more specialized and offers expertise where need be. The nominee further pledged that there is need to modernize the DCI by providing a fully-fledged forensic laboratory.
26. **Partnership with the Private Security** – The nominee confirmed that the Private Security is a stakeholder that he would partner with to enhance security in the country.

27. **National Police Reservists** – The nominee stated that he is aware of the fresh vetting of the Police Reservists in the country with an objective to streamline the holders of the arms and enhance efficiency.

28. **Stay of officers in one station** – The nominee explained that the existing policy stipulates that an officer should not stay in one station for more than three years and pledged to strive to implement the policy.

29. **County Government Inspectorate** – The nominee informed the Committee that the sector assists the police in keeping law and order and pledged to streamline to ensure the misuse of power.

MINUTE NO./SEN/ANS/NSDFR/2019/012:

CONCLUSION

After lengthy deliberations, the Chairpersons of the Committees thanked the Members and the nominee for their patience, and informed them that the work left was to develop a report to be tabled in both Houses of Parliament by Tuesday 2nd April, 2019.

MINUTE NO./SEN/ANS/NSDFR/2019/013:

ADJOURNMENT

There being no other business the Committee adjourned at 1.30 p.m.

Signature:.....

Date:.....*1st April 2019*

Chairperson, Departmental Committee on Administration and National Security of the National Assembly

Signature:.....

Date:.....*1/4/2019*

Chairperson, Standing Committee on National Security, Defence and Foreign Relations of the Senate



MINUTES OF THE 3RD JOINT SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY OF THE NATIONAL ASSEMBLY AND THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS OF THE SENATE, HELD ON FRIDAY 29TH AT CROWN PLAZA HOTEL, AT 10.00 A.M.

PRESENT

Departmental Committee on Administration and National Security

1. Hon. Koinange, Paul, MP Chairperson
2. Hon. Koyi, John Waluke, MP Vice-Chairperson
3. Hon. Owuor, Joshua Aduma, MP
4. Hon. Wamunyinyi, Athanas Misiko Wafula. MP
5. Hon. Kaluma, George Peter Opondo, MP
6. Hon. Dr. Makali Mulu, MP
7. Hon. Tum, Tecla Chebet, MP
8. Hon. Mutua, Didmus Wekesa Barasa, MP
9. Hon. Arbelle, Marselino Malimo, MP
10. Hon. Wachira, Josphat Kabinga, MP
11. Hon. Wambugu, Martin Deric Ngunjiri, MP
12. Hon. Shurie, Abdi Omar, MP
13. Hon. Masara, Peter Francis, MP
14. Hon. Kaunya, Edward Oku, MP

Standing Committee on National Security, Defence and Foreign Relations

1. Sen. Mohamed Yusuf Haji, EGH, M.P Chairperson
2. Sen. Fatuma Dullo, CBS, M.P
3. Sen. Judith Pareno, MP
4. Sen. Moses Wetang'ula, EGH, MP
5. Sen. Fred Outa, MP

ABSENT WITH APOLOGY

Departmental Committee on Administration and National Security

1. Hon. Theuri, George, MP
2. Hon. Muturi, Geoffrey Kingagi, MP
3. Hon. Mbai, Nimrod Mbithuka, MP
4. Hon. Yussuf, Mucheke Halima, MP

Standing Committee on National Security, Defence and Foreign Relations

1. ~~Sen. Johnson Sakaja, MP~~ Vice-Chairperson
2. Sen. Susan W. Kihika, MP
3. Sen. Anuar Loititip, MP
4. Sen. Beatrice Kwamboka, MP

SECRETARIAT

1. Nicholas Emejen - Deputy Director Committees, National Assembly
2. Rose Mudibo - First Clerk Assistant, Senate

- | | | |
|---------------------|---|------------------------------------|
| 3. Kavata Musyoka | - | First Clerk Assistant, Senate |
| 4. Abdullahi Aden | - | Committee Clerk, National Assembly |
| 5. Joshua Ondari | - | Committee Clerk, National Assembly |
| 6. Moses Kenyanchui | - | Legal Counsel, Senate |
| 7. Humprey Ringera | - | Research Officer |
| 8. Donald Manyala | - | Research Officer |

MINUTE NO./SEN/ANS/NSDFR/2019/014: PRAYER

The sitting commenced at 10.15 a.m. with a word of prayer.

MINUTE NO./SEN/ANS/NSDFR/2019/015: CONSIDERATION OF DRAFT REPORT

The secretariat presented and took the Members through the draft report. After lengthy deliberations, the Members noted and made amendments to the draft report.

MINUTE NO./SEN/ANS/NSDFR/2019/016: ADOPTION OF REPORT

Having been satisfied with the amendments to the draft report, the Committee adopted the report having been proposed and seconded by Hon. Wafula Wamunyinyi, MP and Sen. Judith Pareno, MP.

MINUTE NO./SEN/ANS/NSDFR/2019/017: CONFIRMATION OF COMMITTEE MEETINGS

Minutes of the 1st Sitting

The minutes of the 1st sitting of the Committees were confirmed as a true recording of the proceedings, having been proposed by Sen. Fred Outa, MP and Hon. Shurie Abdi Omar respectively.

Minutes of the 2nd Sitting

Minutes of the 2nd sitting of the Committees were confirmed as a true record of the proceedings, having been proposed by Hon. Arbelle Maselino Malimo, MP and Sen. Fatuma Dullo, CBS, MP, respectively.


MINUTE NO./SEN/ANS/NSDFR/2019/012: CONCLUSION

After lengthy deliberations, the Chairpersons of the Committees thanked the Members and the nominee for their patience, and informed them that the work left was to develop a report to be tabled in both Houses of Parliament by Tuesday 2nd April, 2019.

MINUTE NO./SEN/ANS/NSDFR/2019/013:

ADJOURNMENT

There being no other business the Committee adjourned at 12.30 p.m.

Signature:.....

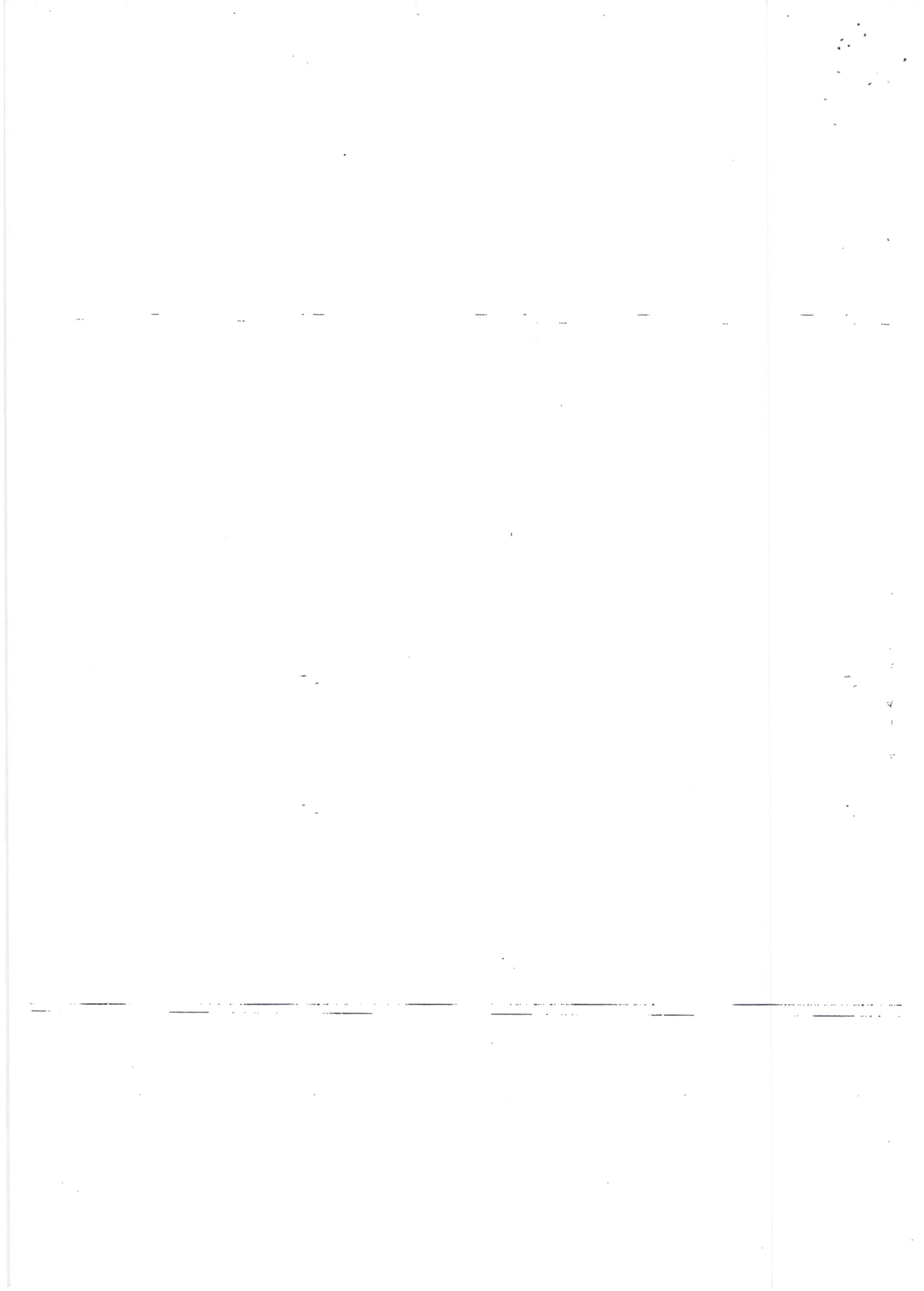
Date: 1st April 2019

Chairperson, Departmental Committee on Administration and National Security of the National Assembly

Signature:.....

Date: 1/4/2019

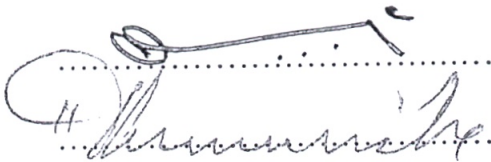
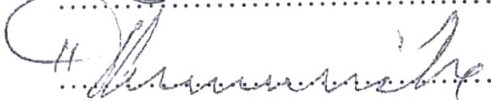
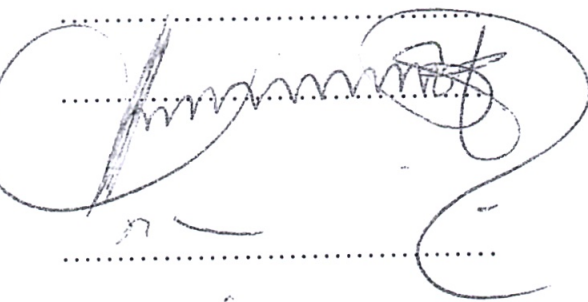
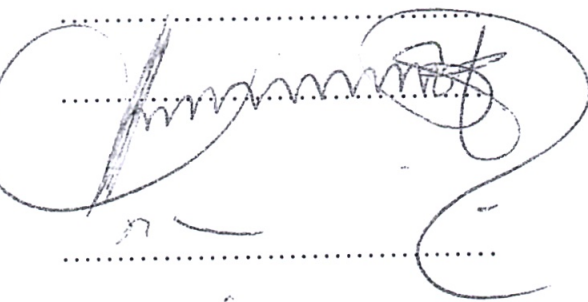
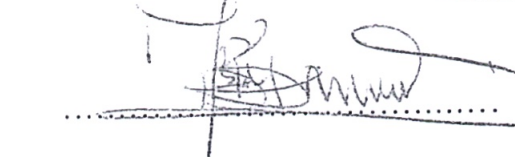
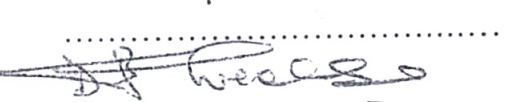
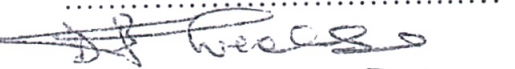


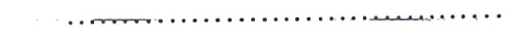



Chairperson, Standing Committee on National Security, Defence and Foreign Relations of the Senate



ADOPTION OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY OF THE NATIONAL ASSEMBLY AND STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS ON THE VETTING OF THE PRESIDENTIAL NOMINEE TO THE POSITION OF INSPECTOR GENERAL OF POLICE OF THE NATIONAL POLICE SERVICE

We, the undersigned Members of the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate, do hereby append our signatures to adopt the Report-

Departmental Committee on Administration and National Security of the National Assembly

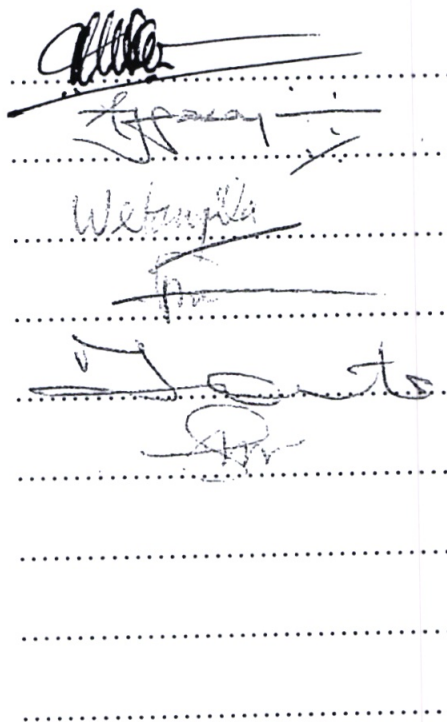
Hon. Koinange, Paul, MP	Chairperson	
Hon. Koyi, John Waluke, MP	Vice-Chairperson	
Hon. Owuor, Joshua Aduma, MP	Member	
Hon. Wamunyinyi, Athanas Misiko Wafula, MP	Member	
Hon. Kaluma, George Peter Opondo, MP	Member	
Hon. Dr. Makali Mulu, MP	Member	
Hon. Tum, Tecla Chebet, MP	Member	
Hon. Mutua, Didmus Wekesa Barasa, MP	Member	
Hon. Arbelle, Marselino Malimo, MP	Member	
Hon. Wachira, Josphat Kabinga, MP	Member	
Hon. Wambugu, Martin Deric Ngunjiri, MP	Member	
Hon. Shurie, Abdi Omar, MP	Member	
Hon. Masara, Peter Francis, MP	Member	

Hon. Kaunya, Edward Oku, MP	Member
Hon. Theuri, George, MP	Member
Hon. Muturi, Geoffrey Kingagi, MP	Member
Hon. Mbai, Nimrod Mbithuka, MP	Member
Hon. Yussuf, Mucheke Halima, MP	Member



Standing Committee on National Security, Defence and Foreign Relations of the Senate

Sen. Mohamed Yusuf Haji, EGH, M.P	Chairperson
Sen. Johnson Sakaja, MP	Vice-Chairperson
Sen. Moses Wetang'ula, EGH, MP	Member
Sen. Fatuma Dullo, CBS, M.P	Member
Sen. Fred Outa, MP	Member
Sen. Judith Pareno, MP	Member
Sen. Susan W. Kihika, MP	Member
Sen. Anuar Loititip, MP	Member
Sen. Beatrice Kwamboka, MP	Member



SCHEDULE
[Section 6(8).]

CRITERIA FOR VETTING/APPROVAL OF NOMINEES FOR
APPOINTMENT TO PUBLIC OFFICE BY PARLIAMENT
QUESTIONNAIRE

Notes:

- a) This questionnaire applies to appointments to public office arising by or under the Constitution or any other law where parliamentary approval is required.
- b) The questionnaire shall be used by the relevant parliamentary committee to vet a nominee appearing before the committee in the process of parliamentary approval.
- c) The questionnaire shall be filled and submitted by the nominee to the relevant parliamentary committee through the Clerk of the relevant House of Parliament on or before a date set by the committee.
- d) The submission of false information in the questionnaire is an offence and may result in prosecution.
- e) Any form of canvassing by a nominee shall lead to disqualification.
- f) The nominee must answer all the questions.

- 1. Name: (State full name)..... HILARY NZIOKI MUTYAMBAY
- 2. Position: (State office to which you have been nominated).
INSPECTOR GENERAL OF NATIONAL POLICE SERVICE
- 3. Sex: MALE
- 4. Date of Birth: (State year and place of birth)..... 24TH SEPTEMBER 1964
- 5. Marital Status: MARRIED
- 6. Daytime phone number: 0717 516711
- 7. Mobile phone number: 0717 516711
- 8. Email Address: hm2nzioki@yahoo.com
- 9. ID Number: 7945880

10. PIN Number: A001508204M

11. Nationality: KENYAN

12. Postal Address: 20091 - 00100

13. Town/City: NAIROBI

14. Knowledge of Languages: (Specify Languages): ENGLISH, SWAHILI, KAMBA

15. Education: (List, in reverse chronological order, each university, college, or any other institution of higher education attended and indicate, in respect of each, the dates of attendance, academic award obtained, whether a degree was awarded, and the dates on which each such degree was awarded).

(1) AUSTRALIAN NATIONAL UNIVERSITY: JULY 2013 - JUNE 2014
MASTER OF NATIONAL SECURITY POLICY: ON 17TH JULY 2014

(2) UNIVERSITY OF NAIROBI: 1987-1989
BSC IN AGRICULTURE: ON 21ST OCTOBER 1990

(3) KERICHO HIGH SCHOOL: 1984-1985
KENYA ADVANCED CERTIFICATE OF EDUCATION (KACE) 3 PRINCIPALS' AND 7 SUBS:
NOV/DEC: 1985

(4) POPE PAUL VI JUNIOR SEMINARY: 1980-1983
KENYA CERTIFICATE OF EDUCATION (KCE): DIVISION II NOV/DEC

Employment Record: (List in reverse chronological order all government agencies, business or professional corporations, companies, firms or other enterprises with which you have been affiliated as an officer, director, partner, proprietor, employee or consultant)

1. NATIONAL INTELLIGENCE SERVICE (NIS): ASSISTANT DIRECTOR

2. NATIONAL POLICE FORCE (1991-1998) IN COUNTRIL TERRORISM CI

2. POPE PAUL VI JUNIOR SEMINARY: TEACHER (1980-1990)

19. **Published Writings:**

(a) List the titles, publishers and dates of books, articles, reports, letters to the editor, editorial pieces or other published materials you have authored or edited.

INTERNAL - CLASSIFIED DOCUMENTS

(b) Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of any bar association, committee, conference or organization of which you were a member. NONE

20. **Public Office, Political Activities and Affiliations:**

(a) List chronologically any public offices you have held or are currently holding, including the terms of service and whether such positions were elected or appointed.

NONE

(b) List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities. Also include any linkage you have to a political party at present.

NONE

(c) Have you ever been dismissed or otherwise removed from office for a contravention of the provisions of Article 75 of the Constitution?

NO

(d) Have you ever been adversely associated with practices that depict bias, favouritism or nepotism in the discharge of public duties?

NO

21. **Deferred Income/Future Benefits:** (List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, etc).

NONE

22. **Outside commitment during service in office:** (Do you have any plans, commitments or agreements to pursue outside employment with or without compensation during your service in office? If so explain).

NONE

23. **Sources of Income:** (List sources and mounts of all income received during the calendar year preceding your nomination and in the current calendar year).

SALARY

24. Tax Status: (State whether you have fully complied with your tax obligations to the State up to the end of the financial year immediately preceding the nomination for appointment).

FULLY COMPLIED WITH TAX

25. Statement of Net Worth: (State your financial net worth)

NETWORTH 30 MILLION
FARM AND HOUSE IN MASII
A TRACTOR + ~~TRUCK~~ TRUCK
TOWN HOUSE IN MACHALCOS
ONE PLOT IN MACHALCOS WITH UNCOMPLETE DEVELOPMENT
ONE PICK UP DOUBLE CABIN AS A PERSONAL CAR

26. Potential Conflict of Interest:

(a) Identify the family members or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to rise.

NONE

(b) Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I WILL REVIEW ALL ISSUES ON THEIR SPECIFIC
LAW AND FACTS AND I WILL BE GUIDED
BY HIGH FIDELITY TO THE LAW AND
ETHICAL STANDARDS.

27. Pro-Bono/Charity Work/donation to charity: (Describe what you have done by way of pro bono or charity work, listing specific instances, the amount contributed and the amount of time devoted to each).

MEMBER OF CHURCH

28. Have you ever been charged in a court or law in the last three years? If so, specify the nature of the charge, where the matter is ongoing, the present status of the matter, or where the matter is concluded, the judgment of the court, or otherwise, how the case was concluded.

NO

29. Have you ever been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years?

NO

30. Have you any objection to the making of enquiries with your present employer/referees in the course of consideration of your nomination?

NO

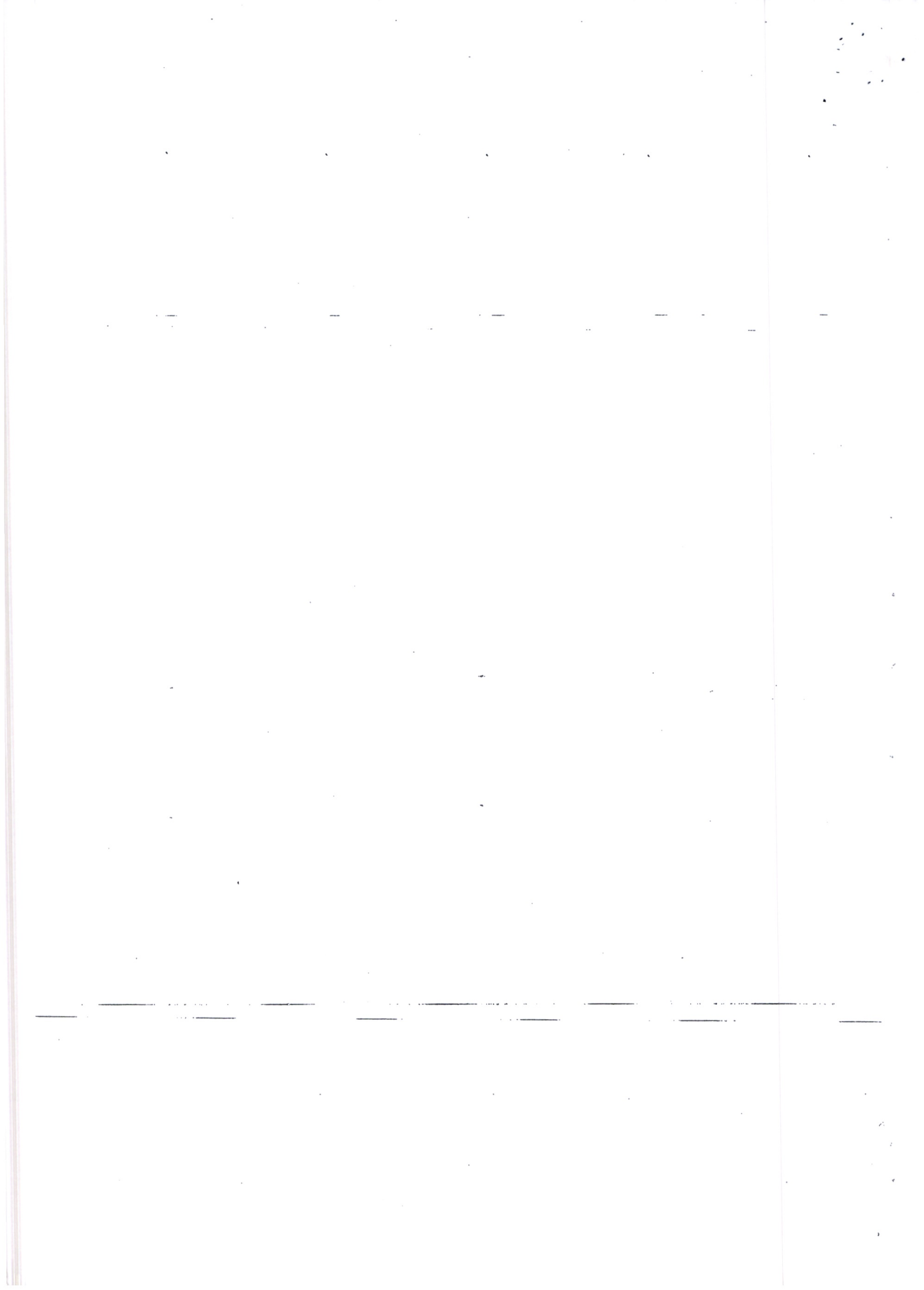
31. References:

(List three persons who are not your relatives who are familiar with your character, qualification and work).

(1) MAS. GEN. (RTS) AHMAD KAMEL, DIRECTOR GENERAL NIS,
Box 30091-00100
TEL 254-203299000, NAIROBI

(2) NELSON MADWA PRINCIPLE SECRETARY STATE DEPT. OF SOCIAL PROSP.
MINISTRY OF LABOUR AND SOCIAL PROTECTION, BOX 40326-00100
TEL +254 20 272 6497

(3) ~~MOHAMMAD~~ MOHAMMAD HASJI, CBS
DIRECTOR PUBLIC PROSECUTION
Box 30701-00100
TEL. 254 222 43524 / 2257 0808
NAIROBI





THE AUSTRALIAN NATIONAL UNIVERSITY

THIS IS TO CERTIFY THAT
FOLLOWING THE COMPLETION OF
AN APPROVED PROGRAM OF STUDY

Hillary Nzioki Mutyambai

HAS BEEN AWARDED THIS DEGREE OF

Master of
National Security Policy

GIVEN UNDER THE SEAL OF THE AUSTRALIAN NATIONAL UNIVERSITY
ON THE SEVENTEENTH DAY OF JULY 2014



[Signature]
Chancellor
[Signature]
Vice-Chancellor

UNIVERSITY OF NAIROBI



This is to certify that

Hillary N. Mutyamba

having satisfied the requirements
for the award of the degree of the

**BACHELOR OF SCIENCE
(IN AGRICULTURE)**

Second Class Honours (Lower Division)

was admitted to the degree
at a Congregation held at
this University on the

Twenty-Second Day of October in the Year

1990

Peter H. Mutitu

VICE - CHANCELLOR

N. D. Bwibo

DEPUTY VICE - CHANCELLOR (ACADEMIC AFFAIRS)

THE KENYA NATIONAL EXAMINATIONS COUNCIL



This is to certify that the candidate named below sat for the Examination for the Kenya Certificate of Education and qualified for the award of a

KENYA CERTIFICATE OF EDUCATION

DIVISION II


THE CANDIDATE REACHED THE GRADE SHOWN IN THE SUBJECTS NAMED
HILARY M MUTYAMBAI 31052/011

POPE PAUL VI JUNIOR SEMINARY

	Grade
ENGLISH LANGUAGE	5
CHRISTIAN REL. EDUCATION	5
GEOGRAPHY	9
LUGHA YA KISWAHILI	3
MATHEMATICS	4
PHYSICAL SCIENCE	5
BIOLOGY	4

SUBJECTS NAMED SEVEN SUBJECTS PASSED SIX

EXAMINATION OF NOVEMBER/DECEMBER 1983


Secretary
Kenya National Examinations Council


Chairman
Kenya National Examinations Council

O 230698

(See overleaf)

THE KENYA NATIONAL EXAMINATIONS COUNCIL



This is to certify that the candidate named below sat for the Examination for the Kenya Advanced Certificate of Education and qualified for the award of a

KENYA
ADVANCED CERTIFICATE OF EDUCATION

The candidate passed at the level shown (Principal or Subsidiary) in the subject(s) named and attained the Grade(s) as indicated.

MILAHY H MUTYARBAI
KERICHO HIGH SCHOOL

52004/557

		<u>Grade</u>
GENERAL PAPER	SUBSIDIARY	
MATHEMATICS PART 5	PRINCIPAL	E
CHEMISTRY	PRINCIPAL	D
BIOLOGY	PRINCIPAL	E
SUBJECTS RECORDED FOUR		

EXAMINATION OF NOVEMBER/DECEMBER 1955


Secretary
Kenya National Examinations Council


Chairman
Kenya National Examinations Council

A 082899

(See overleaf)

124531

330 OFFICE OF THE PRESIDENT

Telegraphic address: "PRAISE"
Telephones: Nairobi 227411
When replying please quote:

PERSONNEL DIVISION
P.O. BOX 30510
NAIROBI

Ref. No. 9106834/27

9th December, 1998

Mr. Randy N. Mutyambai

Thru:
The Director of Intelligence
Directorate of Security Intelligence
P.O. Box 30091
NAIROBI

See
Retention of rank
Agree 11/11/98

Dear Sir,

RE: ACTING APPOINTMENT: SUPERINTENDENT OF POLICE

I have pleasure in conveying the decision of the Public Service Commission that you be appointed as Acting Superintendent of Police (Job Grade PS 17), in the Directorate of Security Intelligence, with effect from 18th November, 1998, until you pass the Unsettled Officers' Examination; when you will be confirmed in appointment.

Congratulations!

Since your salary (as equivalent) exceeds the minimum salary of the post in which you have been appointed to act, you will not be eligible for payment of Acting Allowance during the period of your acting appointment.

Yours faithfully,

S. KIWALIKI
(S. KIWALIKI)
JOEL PERMANENT SECRETARY/PROVINCIAL ADMINISTRATION

OFFICE OF THE PRESIDENT

Telegrams: "RAILPOL", Nairobi
Telephone: Nairobi 227501, 221211
When replying please quote,
P/CONF/63348/2
Ref. No. _____
and date



Kenya (Railways & Ports) Police Hqs.,
P.O. Box 41271,
NAIROBI.
14th June 93
_____, 19.....

No. 63348 P.C. Hillary N. Mutyambai


This

The O.C.R.P.D. Nairobi

APPOINTMENT TO ACT PERMANENTLY IN THE RANK OF INSPECTOR
OF POLICE

Enclosed herewith is a letter reference P/CONF/63348/3 dated 25th May 1993 from the Commissioner of Police in respect of your appointment to act permanently in the rank of Inspector of Police with effect from 13th February 1993.

Please accept the Commandant's congratulations for this well earned appointment.


(W.K. MURIITHI)
for: COMMANDANT
KENYA RAILWAYS & PORTS POLICE

OFFICE OF THE PRESIDENT

91093664/22

PERSONNEL DIVISION
P. O. BOX 30510
NAIROBI
10th July '93

Ref. ~~NAIROBI~~ 91093664/22 ~~.....~~ 19.....
Mr./Mrs./Miss
Thro: The Director of Intelligence
Directorate of Security Intelligence
NAIROBI
.....
.....

Dear Sir/Madam,

PROMOTION

Director of Intelligence
~~.....~~

~~.....~~ pleasure to convey the decision of the ~~Public Service~~ Chief Inspector of Police
Commission that you be promoted to the grade of 2nd
... April, 1996 (Job Group) with effect from

4827x155 - 5322x186 -

~~.....~~ 7140 assigned to this post is KE
..... 4827 per annum and you will
enter the scale of 2nd April, 1996 per annum with effect
from 1st April Your future incremental date
will be
You will retain as your future incremental date.

The necessary adjustment in your salary is being made and you will be
paid the resultant arrears in due course.

Please accept my congratulations on this well deserved promotion.

Yours faithfully

G. O. N. Okola

(G. O. N. OKOLA)

For Permanent Secretary/Provincial Administration

OFFICE OF THE PRESIDENT

Telegrams: "SECURTEL"

Telephone:
When receiving please quote
PP 124531(15)
Ref. No.
and date



OFFICE OF THE PROVINCIAL SECURITY
INTELLIGENCE OFFICER
NAIROBI AREA
..... PROVINCE
43674,
P.O. Box
NAIROBI

14th February, 1995

NO. 124531 HILARY NZIOKI
Provincial Security Intelligence Office,
NAIROBI AREA
NAIROBI

P R O M O T I O N :

I have the pleasure in forwarding Permanent Secretary,
Office of the President Letter PP. 124531(12)
dated 9th January, 1995 through the Director of
Intelligence informing you of your promotion to the rank of
Inspector of Police (Job Group
1st January, 1995
with effect from

2. Congratulations for your well earned promotion.

(Signature)
(P.M. MUNYIRA)

FOR: PROVINCIAL SECURITY INTELLIGENCE OFFICER
NAIROBI AREA

PMM/AG

OFFICE OF THE PRESIDENT

PERSONNEL DIVISION
P.O. Box 30510
NAIROBI

9th January, 1995

Ref. No. 124531/(12)

Mrs. Hilary Nziki

Thru'

The Director of Intelligence
Directorate of Security Intelligence
NAIROBI.

Ref. No. 124531(12)
P.S.I.O. R/124531
Forwarded for necessary Action & Information
B. J. KIBATI
Director of Intelligence
Nairobi

Dear Sir/Ms/Mrs:

PROMOTION

I have pleasure to inform you that it has been decided that you be promoted to the rank of Inspector of Police (Job Group 'J') with effect from 1st January 1993.

The salary scale assigned to this post is KSh. 2973x103-3279x120-3379x144-4167 per annum and you will enter the scale at KSh. 2973 per annum with effect from 1st January 1993. Your future incremental date will be 1st January (1994 onwards).

You will remain as before until further notice.

The necessary adjustment in your salary is being made and you will be paid the resultant arrears in due course.

Please accept my congratulations on this well deserved promotion.

Yours faithfully,

(J. C. HIRCH)

for Permanent Secretary/Provincial Administration

Pope Paul VI Seminary

P.O. Box 164
MACHAKOS.
29th May 1990.

Mr. Hilary Mutyembai,
Pope Paul VI Seminary,
P.O. Box 164,
Machakos.

Dear Hilary,

Starting Salary, May 1990.

I have conferred with the officials of the T.S.C. regarding the correct salary for an untrained graduate Kenya citizen.

I was informed that the correct scale of salary is as follows:
KSh 1938 x 72 — KSh 2154 x 90.

This translated is as follows: the starting salary per month is KSh 3230.00 and there is an increment of sh 120.00 after a year's complete service.

With this in mind the school is pleased to offer you 4 increments above the minimum salary as an inducement which means the your starting salary for May (before deductions) is sh 3890.00 which is then fixed for 2 years from the month of joining the school.

P.A.Y.E. and other deductions will be made according to regulations.

There will be no other payments or gratuities payable by the school.

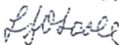
Accommodation in a school house if provided will be rent free.

If you wish to join W.S.S.F. the school will be glad to arrange payments for you with the usual deduction of 5% from your salary each month.

All teachers will be enrolled in N.H.L.F and the new graduated scale of payments come into effect in July 1990. Deductions from a salary of sh 3000 - sh 3999 is sh 80.

If these conditions of salary are acceptable to you please sign the enclosed copy of this letter and return it to me as soon as possible.

Yours faithfully,


L. O'Toole Bursar.

I agree to the above conditions of salary as set out in this letter.

Signed.....




CERTIFICATE

This is to certify that

Hilary N. Muryambai


attended

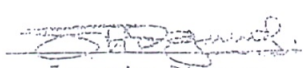
Detection and Prevention of Frauds and Forgeries Course

organised by

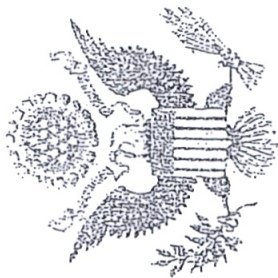
The Kenya School of Monetary Studies

Held From 29th September, 1997 To 3rd October, 1997


Director of Studies


Executive Director

THE UNITED STATES OF AMERICA



This certificate is awarded to

HILARY NZEOKI MUTYAMBAI

for successful completion of training in

ANALYSIS

June 5, 1998

[Signature]



SECRET INTELLIGENCE SERVICE

This certificate has been awarded to

Henry MUTYANGIRE

In recognition of your successful completion of the
United Kingdom Operational Management Course

1 - 12 October 2007

Head of Counter Terrorism, SIS



The United States Government

COUNTERTERRORISM TRAINING GROUP

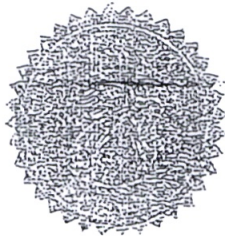
certifies that

Hilary Nzioki Mutyambai

has successfully completed the

LEADERSHIP SEMINAR

On this Ninth Day of February 2012
New Orleans, Louisiana



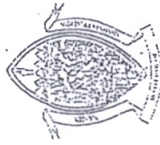
Richard Drayson

Program Coordinator

5215

Certificate No.....

CA



KENYA INSTITUTE OF ADMINISTRATION

4951709

This is to certify that
Jilany N Mulyambai

successfully completed

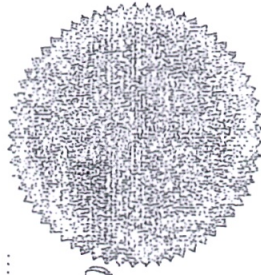
Senior Management Course No.152/2009

and is hereby granted this

Certificate of Achievement

Result: *Credit*

Date: *27 April - 22 May 2009*



M. Mulyambai
Deputy Director
Business Development

K. M. Mulyambai
Director

Certificate No. 34925



KENYA INSTITUTE OF ADMINISTRATION



This is to certify that

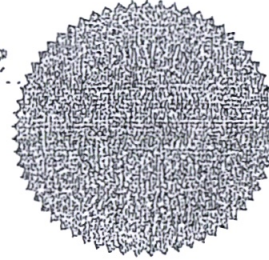
Hilary Nzioki Mutyambai

attended the

Performance Management Systems Course

and is hereby awarded this

Certificate



[Signature]

Deputy Director

Date

8 - 12 March 2010

[Signature]

Director and Chief Executive



NATIONAL INTELLIGENCE SERVICE

Telephone: (254-020) 244241,
Fax: (254-020) 861494

THE DIRECTOR GENERAL,
P. O. BOX 20091,
00100 GPO,
NAIROBI - KENYA.

When replying please
Quote Ref. No. And Date

PF. 91098664. (164)

for
27 July, 2015

✓HILARY NZIOKI MUTYAMBAI


THRO

DIRECTOR INTERNAL

ACTING APPOINTMENT

You have been appointed to act in the position of Head of CT collection with effect from 10th June, 2015 until further notice.

You will be entitled to allowances commensurate with the acting appointment in accordance with NIS Terms and Conditions of Service, 2013.


Mrs. A. N. SHIKUKU, MBS OGW, 'ndc' (K)
FOR: DIRECTOR GENERAL



MACQUARIE
UNIVERSITY

CENTRE FOR POLICING,
INTELLIGENCE AND COUNTER
TERRORISM

Certificate of Participation

*In recognition for completing the short course:
'Professional Development Program in Policing, Intelligence
and Counter Terrorism'*

Presented to

Hillary Nzioki Mutyambai

July 2012

A handwritten signature in black ink, appearing to read "Peter Anderson".

Prof. the Hon. Peter Anderson AM
PICT Director

A handwritten signature in black ink, appearing to read "Bill Paterson".

Bill Paterson
Australian Ambassador for Counter-Terrorism
Department of Foreign Affairs and Trade


LEADERSHIP AND INTEGRITY ACT, 2012 / KIFUNGU CHA SHERIA CHA UONGOZI NA UADILIFU, 2012
FIRST SCHEDULE (S.13) / TARATIBU YA KWANZA (S.13)

SELF-DECLARATION FORM / FOMU YA KUJITANGAZA

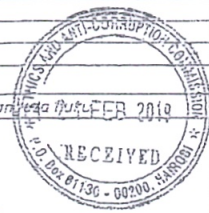
1. GENERAL INFORMATION / TAARIFA YA JUMLA

Title / Cheo	Surname / Jina la ukoo	First Name / Jina la Kwanza	Middle Name / Jina la Katikati	Other Names / Majina Mengine
Mr/Mrs/Prof Miss/Ms/Dr Govt/Prof Sir/ibibi/Dkt	MUTYAMBIA	HELEN	M.	—
ID CARD No. Na. ya Kitambulisho	PASSPORT NO. NA. ya PASIPOTI	EXPIRY DATE OF PASSPORT TAREHE YA MUDA WA PASIPOTI KUISHA	PIN NO. NA. ya PIN	
7945880	B18108	22/05/2020	20015082000	
SEX (Tick) JINSIA (Weka Alama)	Occupation: Kazi:		CIVIL SERVANT	
Male <input type="checkbox"/>	E-Mail Address: Anwani ya Barua pepe:		hmanzoa@photo.co	
Female <input type="checkbox"/>	Postal Address: PO Box Anwani ya Posta: SL Posta:		30091 Code: 00100 Msimba:	
Other Addresses: Anwani Nyingine:		—		
Telephone No. Na. ya Simu	Mobile No. Na. ya Rununu	Other Numbers Nambari Nyingine		
—	077 516711	—		
RESIDENCE MAKAZI	ESTATE/TOWN/LOCATION MTAA/MJI/LOKESHENI		Lamagata	
	DISTRICT WILAYA		Lamagata	
	COUNTY KAUNTI		Narok	
	TOWN/CITY MJI/WIJI		Narok	
	COUNTRY NCHI		KENYA	
2. BIRTH INFORMATION / TAARIFA YA KUZALIWA				
DATE OF BIRTH / TAREHE YA KUZALIWA				
29/09/1964				



BIRTH CERTIFICATE NO. / NA. YA CHETI CHA KUZALIWA		739042
PLACE OF BIRTH / MAHALI PA KUZALIWA		NAIROBI
DISTRICT OF BIRTH / WILAYA YA KUZALIWA		NAIROBI
COUNTY OF BIRTH / KAUNTI YA KUZALIWA		NAIROBI
COUNTRY OF BIRTH / NCHI YA KUZALIWA		KENYA
3. NATIONALITY / UTAIFA		
Kenyan <input checked="" type="checkbox"/> Mkenya	Dual <input type="checkbox"/> Kotekote (Provide details _____) (Toa maelezo _____)	
4. MARITAL STATUS / HALI YA NDOA		
SINGLE <input type="checkbox"/> NINGALI SIAOA / SIAOLEWA	MARRIED <input checked="" type="checkbox"/> NIMEOA / NIMEOLEWA	SEPARATED <input type="checkbox"/> NIMETENGANA
DIVORCED <input type="checkbox"/> NIMETALAKIANA	WIDOWED <input type="checkbox"/> NIMEFIWA	
IF MARRIED GIVE NAMES OF THE SPOUSE(S) (Surname, First Name, middle name, others) KAMA UMEOA TOA MAJINA YA MUME/MKE(Wa) WAKO (Jina la ukoo, jina la Kwanza, jina la kati, mengine)		
SUSAN NZIOKI		
NATIONALITY OF SPOUSE UTAIFA WA MKE/MUME		KENYAN
NAME OF CHILDREN UNDER THE AGE OF 18 YEARS JINA LA WATOTO WALIO CHINI YA UMRI WA MIAKA 18		NONE
		
5. EDUCATIONAL QUALIFICATIONS / KUFUZU KWA KIELIMU		
PRIMARY CERTIFICATE CHETI CHA MSINGI <input checked="" type="checkbox"/>	SECONDARY SHULE YA UPILI <input checked="" type="checkbox"/>	'A' LEVEL KIWANGO CHA 'A' <input checked="" type="checkbox"/>
DIPLOMA STASHAHADA <input type="checkbox"/>	DEGREE SHAHADA <input checked="" type="checkbox"/>	MASTERS UZAMILI <input checked="" type="checkbox"/>
PHD UZAMIFU <input type="checkbox"/>	OTHERS YINGINE _____	

HIGHEST ACADEMIC QUALIFICATION OBTAINED KUFUZU KWA JUU ZAIDI KWA KIAKADEMIA ULUKOPATA		
Qualification / Kufuzu	Institution / Taasisi	Year / Mwaka
MASTERS OF NATIONAL SECURITY POLICY	THE FRISVALLAN NATIONAL UNIVERSITY	2014
6. LANGUAGE SPOKEN / LUGHA UNAZOZUNGUMZA		
First Language Lugha ya Kwanza	Second Language Lugha ya Pili	Others Nyingine
KAMBA	KISHWATILI	ENGLISH
7. MEMBERSHIP OF PROFESSIONAL ORGANISATION(S) (if any) UANACHAMA WA SHIRIKA(MA) YA KITAALAMU (Kama yapo)		
Name of Organization Jina la Shirika	Date of Admission Tarehe ya Kuandikishwa	Membership No. Na. ya Uanachama
8. REASON(S) FOR DECLARATION / SABABU ZA KUJITANGAZA		
Purpose for which declaration is required / Kusudia la kuhitajika kwa kujitangaza		
Election Upigaji kura <input type="checkbox"/>	Employment Kuajiriwa <input checked="" type="checkbox"/>	Others (Specify) Nyingine (Bainisha) _____
State office for which the declaration is being submitted Ofisi ya serikali ambayo kujitangaza huku kuna wasilishwa		NATIONAL POLICE SERVICE (NPS)
9. MORAL AND ETHICAL QUESTIONS / MASWALI YA NIDHAMU NA KIMAADILI		
Answers to the following questions are mandatory. If YES to any question you must provide additional information on a supplementary sheet. Majibu kwa maswali yafuatayo ni lazima. Kama NDIYO katika swali lolote lazima utoe taarifa ya ziada kwenye karatasi nyingine.		
	YES	NO
a) Have you ever engaged in any form of dishonesty in the conduct of public affairs a) Umewahi kujihusisha na hali yoyote ya kutokuwa mwaminifu katika kazi zako na shughuli za umma		✓
b) Have you ever abused a public office? b) Umewahi kutumia vibaya ofisi ya umma?		✓
c) Have you ever misrepresented information to the public? c) Umewahi kuwakilisha kwa njia isiyo faataarifa kwa umma?		✓
d) Have you ever engaged in wrongful conduct whilst in the furtherance of personal benefit?		✓



d) Umewahi kujihusisha katika tabia mbaya huku ukitaka kujinufaisha kibinafsi?		
e) Have you ever misused public resources?		✓
e) Umewahi kutumia viwazo rasilimali za umma?		✓
f) Have you ever discriminated against anyone of any grounds other than as provided for under the Constitution or any other law?		✓
f) Umewahi kubagua yeyote kwa misingi yoyote mbali na vile ilivyoelezwa katika Katiba au sheria yoyote nyingine?		✓
g) Have you ever falsified official or personal records?		✓
g) Je, umewahi kudanganyo katika rekodi rasmi au za kibinafsi?		✓
h) Have you ever been debarred or removed from the Register of Members of your professional organization?		✓
h) Umewahi kupigwa teke au kuondolewa kutoka kwenye Rejista ya Wanachama wa shirika lako la kitaalamu?		✓
i) Have you ever had any occupational or vocational license revoked and/or otherwise subjected to any other disciplinary action for cause in Kenya or any other country?		✓
i) Umewahi kujipata katika hali ya leseni yako ya kikazi au ya kiufundi kutupiliwa mbali na/au vinginevyo kuchukuliwa hatua nyingine ya kinidhamu katika nchi ya Kenya au nchi yoyote nyingine		✓
j) Have you ever dismissed from employment on account of lack of integrity?		✓
j) Umewahi kufutwa kazi katika ajira kutokana na ukosefu wa usaidilifu?		✓
k) If you have been a public officer, have you ever failed to declare your Income, Assets and Liabilities as required under the Public Officer Ethics Act, 2003?		✓
k) Kama umewahi kuwa ofisa wa umma, umewahi kushindwa kutangaza Mapato yako, Mali na Ghaatama kama unavyohitajika katika Kifungu cha sheria cha Maadili ya Ofisa wa Umma, 2003?		✓
l) Have you ever been the subject of disciplinary or criminal proceedings for breach of the Public Officer Ethics Act, 2003 or a Code prescribed thereunder?		✓
l) Umewahi kuwa mada katika taratibu za kinidhamu au kihalifu kwa kuvunja kifungu cha sheria cha Maadili ya Ofisa wa Umma 2003, au Msimbo ulioainishwa hapo chini?		✓
m) Have you ever been convicted of any offence and sentenced to serve imprisonment for a period of at least six months?		✓
m) Umewahi kushtakiwa kwa kosa lolote na kuhukumiwa kifungo gerežani kwa kipindi kipatacho miezi sita?		✓
n) Have you ever had an application for a Certificate of Clearance or a Certificate of Good Conduct or for a visa or other document authorizing work in a public office denied and/or rejected for cause in Kenya or any other country?		✓



n) Umewahi kutuma ombi la Cheti cha kuondolewa Hatia au Cheti cha Kinidhamu au cha visa au nyaraka nyingine zinazoidhinisha kazi katika ofisi ya umma na hivyo basi wewe kunyimwa na/ au kukataliwa kwa sababu yoyote nchini Kenya au nchi yoyote nyingine?

10. EMPLOYMENT INFORMATION / TAARIFA YA KUAJIRIWA			
NAME OF EMPLOYER JINA LA MWAJIRI	POSITION/RANK CHEO/WADHIFA	DATE OF FIRST APPOINTMENT TAREHE YA KUAJIRIWA KWA KWANZA	DATE OF PRESENT APPOINTMENT TAREHE YA KUAJIRIWA KWA SASA
NATIONAL INTELLIGENCE SERVICE (NIS)	ASSISTANT DIRECTOR (AD)	1999	2015
WORKSTATION KITUO CHA KAZI	NATURE OF EMPLOYMENT (Constitutional/Elective/Permanent/Contractual/Other) AINA YA KUAJIRIWA (Kikatiba/Kuteuliwa/Kudumu/Kikandarasi/Nyingine)		
Nairobi	PERMANENT		



OATH AND AFFIRMATION / KIAPO NA UTHIBITISHWAJI

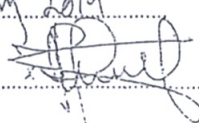
I solemnly swear (or affirm) and certify, under penalty of false declaration under the Oaths and Statutory Declarations Act (Cap 15 of the Laws of Kenya), that all the foregoing statements in this declaration are true and correct to the best of my knowledge.

Ninaapa ya kwamba (ninathibitisha) na kuidhinisha, katika adhabu ya kujitangaza kwa uongo chini ya kifungu cha sheria cha Viapo na Kujitangaza Kisheria (Ibara 15 ya Sheria za Kenya), kwamba kauli zote zilizotajwa kabika kujitangaza huku ni za kweli na sahihi kwa kadri ninavyojua.

Dated at / Mnamo tarehe Nairobi, this / kwenye... 19th

day of / siku hii ya February 2019

SIGNATURE OF DECLARANT:
SAINI YA ANAYEJITANGAZA:

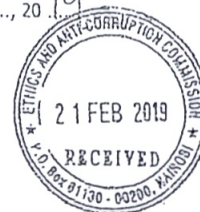


SWORN/DECLARED BEFORE ME / ALIYELISHWA KIAPO/TANGAZWA MBELE YANGU

This / Mnamo 19th day of / siku hii ya February, 20 19

at / katika mahali hapa... Nairobi

COMMISSIONER FOR OATH/MAGISTRATE
KAMISHINA WA KIAPO/HAKIMU

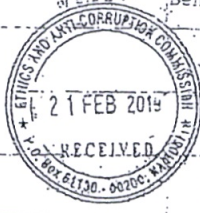


REPUBLIC OF KENYA

C No 739042

CERTIFICATE OF BIRTH

Birth in the		NAIROBI		District in the		Province	
No.	2500426	Where Born	Ngara-Estate	Name	Hilary Nzioki..		
Date of Birth	24th Sept. 1964	Sex	Male	Name and Surname of	Benard Mutyambai Muli..		
Name and Maiden Name of Mother	Agnes Loko Ngewa..						
Signature, Description and Residence of Informant	sgd. self						
Signature of Registering Officer	G.K. MUNYOROKU				14-3-2000		
Baptismal Name if added or altered after Registration of Birth							



Certified to be a true copy of a return entry in the Register of Births in the District above mentioned.
Given under the seal of the Principal Registrar on the 14th day of March 2000

This certificate is issued in pursuance of the Births and Deaths Registration Act (Cap. 147) which provides that a certified copy of any entry in any register or return purporting to be sealed or stamped with the seal of the Principal Registrar shall be received as evidence of the date and facts therein without any other proof of such entry.

Typed by: FNN CA 17236/A of 14-3-2000
Auth. 2156/CA of 14-3-2000

Checked by: [Signature]

FEE PAID: Fifty Shillings

MS 257-12 62-7/99



KENYA REVENUE
AUTHORITY

Tax Compliance Certificate

For General Tax Questions
Contact KRA Call Centre
Toll-free (24/7) 4899 4000
Fax: +254 (0) 11 200 4000
Email: callcentre@kra.go.ke

www.kra.go.ke

Taxpayer PIN: A001308204M

Certificate Date: 18/02/2019

Name and Address:

Hilary N Mutyambai
NIS, NAIROBI, Nairobi East District,
PO Box 30081,
Postal Code 00100

Certificate Number:

KRAWON1136870519



This is to confirm that Hilary N Mutyambai,
Personal Identification Number A001308204M
has filed relevant tax returns and
paid taxes due as provided by Law.

This Certificate will be valid for
twelve (12) months up to 17/02/2020.

Caution: This certificate is issued on the basis of information available with the authority as at the certificate date mentioned above. The Authority reserves the right to withdraw the certificate if new evidence materially alters the tax compliance status of the

Disclaimer: This certificate is system Generated and therefore does not require signature. You may confirm validity of this certificate on the Tax Portal by using the TOC Checker.

NATIONAL POLICE SERVICE

C. 24A



DIRECTORATE OF CRIMINAL INVESTIGATIONS

DIRECTORATE OF CRIMINAL INVESTIGATIONS HEADQUARTERS
P.O. Box 30916-00100 GPO
NAIROBI, KENYA

Ref. No. PCC-AAAIFEK4

Date: 21 February 2019

POLICE CLEARANCE CERTIFICATE

I hereby certify that the fingerprints recorded from

HILARY N. MUTYAMBAI

holder of ID No. 7945880 have been searched in Criminal Records Office's database with/without previous record. The validity of the information on this certificate is as of the date of issue.

REMARKS IN CASE OF PREVIOUS RECORD

OFFENCE(S): NIL

RESULTS OF TRIAL: NIL

DATE: NIL

This Certificate has been issued without any alteration or any erasure

(P.M. Ndunda)

For: Director, Directorate of Criminal Investigations
(P.T.O)

NOTE: This is a computer generated certificate. To verify the authenticity of this document, send DCI to 21546



HIGHER EDUCATION LOANS BOARD

Tel: 0711052000
E-mail: contactcentre@helb.co.ke
Website: www.helb.co.ke

Anniversary Towers
University Way
P.O Box 69489-00400
Nairobi, Kenya

HELB/REC/21/CERT 411/81

15th February, 2019

To Whom It May Concern,

UNIVERSITY STUDENTS' LOAN RECOVERY
HILLARY N. MUTYAMBAI: ID NO.7943880

The above subject refers.

Please note that the above named person is a beneficiary of Higher Education Loans Board Scheme. The loanee completed repaying the loan and issued with certificate number 21238 in the year 2010. Currently, the loanee has no outstanding obligation with the Board.

In the event of any further queries, please do not hesitate to contact the undersigned.

Yours faithfully,


NAFTAL MICHIRA
HEAD OF DEBT MANAGEMENT
FOR: BOARD SECRETARY/CEO

For any further enquiries please email to;
smakena@helb.co.ke
jwanjiku@helb.co.ke



ISO 9001:2008 Certified





MCA8/C302550

Metropol Credit Reference Bureau

HILARY N MUTYAMBAI

National ID Number: 7945880

This is to certify that the above-named person has no negative listing as at the date below.

February 15, 2019



To verify this certificate visit <https://www.metropol.co.ke/verification>

M-40

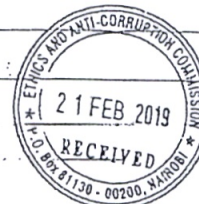
LEADERSHIP AND INTEGRITY ACT, 2012 /KIFUNGU CHA SHERIA CHA UONGOZI NA UADILIFU, 2012
FIRST SCHEDULE (S.13) / TARATIBU YA KWANZA (S.13)

SELF-DECLARATION FORM / FOMU YA KUJITANGAZA

1. GENERAL INFORMATION / TAARIFA YA JUMLA				
Title / Cheo	Surname / Jina la ukoo	First Name / Jina la Kwanza	Middle Name / Jina la Katikati	Other Names / Majina Mengine
Mr/Mrs/Prof/ Miss/Ms/Dr. Bw/Bi/Prof. Binti/Bibi/Dkt.	MUCYARABA	HILARY	A.	—
ID CARD No. Na. ya Kitambulisho	PASSPORT NO. NA. ya PASIPOTI	EXPIRY DATE OF PASSPORT TAREHE YA MUDA WA PASIPOTI KUISHA	PIN NO. NA. ya PIN	
7945880	8181065	22/12/2020	A001508204M	
SEX (Tick) JINSIA (Weka Alama)	Occupation: Kazi:		CIVIL SERVANT	
Male Kiume <input type="checkbox"/>	E-Mail Address: Anwani ya Barua pepe:		hmanzozi@kna.co	
Female Kike <input type="checkbox"/>	Postal Address: PO Box Anwani ya Posta: SL Posta:		30091 Code: 00100 Msimbo:	
Other Addresses: Anwani Nyingine:		—		
Telephone No. Na. ya Simu	Mobile No. Na. ya Rununu	Other Numbers Nambari Nyingine		
—	077 516711	—		
RESIDENCE MAKAZI	ESTATE/TOWN/LOCATION MTAA/MJI/LOKESHENI		LANGATA	
	DISTRICT WILAYA		LANGATA	
	COUNTY KAUNTI		NAIROBI	
	TOWN/CITY MJI/HH		NAIROBI	
	COUNTRY NCHI		KENYA	
2. BIRTH INFORMATION / TAARIFA YA KUZALIWA				
DATE OF BIRTH /TAREHE YA KUZALIWA		24/09/1964		

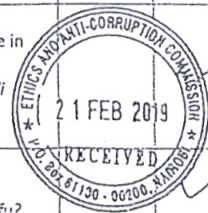


BIRTH CERTIFICATE NO. / NA. YA CHETI CHA KUZALIWA		739042
PLACE OF BIRTH / MAHALI PA KUZALIWA		NAIROBI
DISTRICT OF BIRTH / WILAYA YA KUZALIWA		NAIROBI
COUNTY OF BIRTH / KAUNTI YA KUZALIWA		NAIROBI
COUNTRY OF BIRTH / NCHI YA KUZALIWA		KENYA
3. NATIONALITY / UTAIFA		
Kenyan Mkenya <input checked="" type="checkbox"/>	Dual Katekote <input type="checkbox"/> (Provide details (Too maelezo _____))	
4. MARITAL STATUS / HALI YA NDOA		
SINGLE <input type="checkbox"/> NINGALI SIJAGA/SIJAOLEWA	MARRIED <input checked="" type="checkbox"/> NIMEOA/NIMEOLEWA	SEPARATED <input type="checkbox"/> NIMETENGANA
DIVORCED <input type="checkbox"/> NIMETALAKIANA	WIDOWED <input type="checkbox"/> NIMEFIWA	
IF MARRIED GIVE NAMES OF THE SPOUSE(S) (Surname, First Name, middle name, others) KAMA UMEOA TOA MAJINA YA MUME/MKE(Wa) WAKO (Jina la ukaa, jina la Kwanza, jina la kati, mengine)		
SUSAN NZIOKI		
NATIONALITY OF SPOUSE UTAIFA WA MKE/MUME		KENYAN
NAME OF CHILDREN UNDER THE AGE OF 18 YEARS JINA LA WATOTO WALIO CHINI YA UMRI WA MIAKA 18		
NONE		
5. EDUCATIONAL QUALIFICATIONS / KUFUZU KWA KIELIMU		
PRIMARY CERTIFICATE CHETI CHA MSINGI <input checked="" type="checkbox"/>	SECONDARY SHULE YA UPILI <input checked="" type="checkbox"/>	'A' LEVEL KIWANGO CHA 'A' <input checked="" type="checkbox"/>
DIPLOMA STASHAHADA <input type="checkbox"/>	DEGREE SHAHADA <input checked="" type="checkbox"/>	MASTERS UZAMILI <input checked="" type="checkbox"/>
OTHERS VINGINE _____		PHD UZAMIFU <input type="checkbox"/>



HIGHEST ACADEMIC QUALIFICATION OBTAINED KUFUZU KWA JUU ZAIDI KWA KIAKADEMA ULIKOPATA		
Qualification / Kufuzu	Institution / Taasisi	Year / Mwaka
MASTERS OF NATIONAL SECURITY POLICY	THE PRESIDENTIAL NATIONAL UNIVERSITY	2014
6. LANGUAGE SPOKEN / LUGHA UNAZOZUNGUMZA		
First Language Lugha ya Kwanza	Second Language Lugha ya Pili	Others Nyingine
KAMBA	KISWAHILI	ENGLISH
7. MEMBERSHIP OF PROFESSIONAL ORGANISATION(S) (If any) UANACHAMA WA SHIRIKA(MA) YA KITAALAMU (Kama yapo)		
Name of Organization Jina la Shirika	Date of Admission Tarehe ya Kuandikishwa	Membership No. Na. ya Uanachama
8. REASON(S) FOR DECLARATION / SABABU ZA KUJITANGAZA		
Purpose for which declaration is required / Kusudia la kuhitajika kwa kujitangaza		
Election Upigaji kura <input type="checkbox"/>	Employment Kujiriwa <input checked="" type="checkbox"/>	
Others (Specify) Nyingine (Bainisha)		
State office for which the declaration is being submitted Ofisi ya serikali ambayo kujitangaza huku kunawasilishwa		NATIONAL POLICE SERVICE (N.P.S)
9. MORAL AND ETHICAL QUESTIONS / MASWALI YA NIDHAMU NA KIMAADILI		
Answers to the following questions are mandatory. If YES to any question you must provide additional information on a supplementary sheet. Majibu kwa maswali yajuatayo ni lazima. Kama NDIYO katika swali lolote lazima utoe taarifa ya ziada kwenye koratasi nyingine.		
	YES	NO
a) Have you ever engaged in any form of dishonesty in the conduct of public affairs a) Umewahi kujihusisha na hali yoyote ya kutokuwa mwaminifu katika kazi zako na shughuli za umma		✓
b) Have you ever abused a public office? b) Umewahi kutumia vibaya ofisi ya umma?		✓
c) Have you ever misrepresented information to the public? c) Umewahi kuwakilisha kwa njia isiyofaataarifa kwa umma?		✓
d) Have you ever engaged in wrongful conduct whilst in the furtherance of personal benefit?		✓

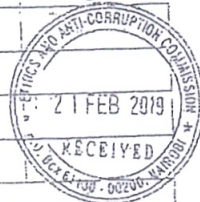
d) Umewahi kujihusisha katika tabia mbaya huku ukitaka kujinufaisha kibinafsi?		
e) Have you ever misused public resources? e) Umewahi kutumia vibaya rasilimali za umima?		✓
f) Have you ever discriminated against anyone of any grounds other than as provided for under the Constitution or any other law? f) Umewahi kubagua yeyote kwa misingi yoyote mbali na vile ilivyoelezwa katika Katiba au sheria yoyote nyingine?		✓
g) Have you ever falsified official or personal records? g) Je, umewahi kudanganya katika rekodi rasmi au za kibinafsi?		✓
h) Have you ever been debarred or removed from the Register of Members of your professional organization? h) Umewahi kupigwa teke au kuondolewa kutoka kwenye Rejista ya Wanachama wa shirika lako la kitaalamu?		✓
i) Have you ever had any occupational or vocational license revoked and/or otherwise subjected to any other disciplinary action for cause in Kenya or any other country? i) Umewahi kujipata katika hali ya leseni yako ya kikazi au ya kiufundi kutupiliwa mbali na/au vinginevyo kuchukuliwa hatua nyingine ya kinidhamu katika nchi ya Kenya au nchi yoyote nyingine		✓
j) Have you ever dismissed from employment on account of lack of integrity? j) Umewahi kufutwa kazi katika ajira kutokana na ukosefu wa uadilifu?		✓
k) If you have been a public officer, have you ever failed to declare your Income, Assets and Liabilities as required under the Public Officer Ethics Act, 2003? k) Kama umewahi kuwa ofisa wa umma, umewahi kushindwa kutangaza Mapato yako, Mali na Gharama kama unavyohitajika katika Kifungu cha sheria cha Maadili ya Ofisa wa Umma, 2003?		✓
l) Have you ever been the subject of disciplinary or criminal proceedings for breach of the Public Officer Ethics Act, 2003 or a Code prescribed thereunder? l) Umewahi kuwa mada katika taratibu za kinidhamu au kihalifu kwa kuvunja kifungu cha sheria cha Maadili ya Ofisa wa Umma 2003, au Msimbo ulioainishwa hapo chini?		✓
m) Have you ever been convicted of any offence and sentenced to serve imprisonment for a period of at least six months? m) Umewahi kushtakiwa kwa kosa lolote na kuhukumiwa kifungo gerezani kwa kipindi kipatacho miezi sita?		✓
n) Have you ever had an application for a Certificate of Clearance or a Certificate of Good Conduct or for a visa or other document authorizing work in a public office denied and/or rejected for cause in Kenya or any other country?		✓



n) Umewahi kutuma ombi la Cheti cha kuondolewa Hatia au Cheti cha Kinidhamu au cha visa au nyaraka nyingine zinazoidhinisha kazi katika ofisi ya umma na hivyo basi wewe kunyimwa na/ au kukataliwa kwa sababu yoyote nchini Kenya au nchi yoyote nyingine?

10. EMPLOYMENT INFORMATION / TAARIFA YA KUJIRIWA

NAME OF EMPLOYER JINA LA MWAJIRI	POSITION/RANK CHEO/WADHIFA	DATE OF FIRST APPOINTMENT TAREHE YA KUJIRIWA KWA KWAZA	DATE OF PRESENT APPOINTMENT TAREHE YA KUJIRIWA KWA SASA
NATIONAL INTELLIGENCE SERVICE (NIS)	ASSISTANT DIRECTOR (AD)	1999	2015
WORKSTATION KITUO CHA KAZI	NATURE OF EMPLOYMENT (Constitutional/Elective/Permanent/Contractual/Other) AINA YA KUJIRIWA (Kikatiba/Kuteuliwa/Kudumu/Kikandarasi/Nyingine)		
Nairobi	PERMANENT		



OATH AND AFFIRMATION / KIAPO NA UTHIBITISHWAJI

I solemnly swear (or affirm) and certify, under penalty of false declaration under the Oaths and Statutory Declarations Act (Cap 15 of the Laws of Kenya), that all the foregoing statements in this declaration are true and correct to the best of my knowledge.

Ninaapa ya kwamba (ninathibitisha) na kuidhinisha, katika adhabu ya kujitangaza kwa uongo chini ya kifungu cha sheria cha Viapo na Kujitangaza Kisheria (Ibara 15 ya Sheria za Kenya), kwamba kauli zote zilizotajwa katika kujitangaza huku ni za kweli na sahihi kwa kadri ninavyojua.

Dated at / Mnamo tarehe Nairobi this / kwenye 19th

day of / siku hii ya February 2019

SIGNATURE OF DECLARANT: [Signature]
SAINI YA ANAYEJITANGAZA:



SWORN/DECLARED BEFORE ME / ALIYELISHWA KIAPO/TANGAZWA MBELE YANGU

This / Mnamo 19th day of / siku hii ya February 20 19

at / katika mahali hapa Nairobi

COMMISSIONER FOR OATH/MAGISTRATE
KAMISHINA WA KIAPO/HAKIMU



REPUBLIC OF KENYA

C No 739042

CERTIFICATE OF BIRTH

Birth in the		NAIROBI		District in the		Province	
No.	2500425	Here Born	2000	Name	Hilary Nzioki..		
Date of Birth	24th Sept. 1964	Sex	Male	Name and Surname of Father	Benard Mutyambai Muli..		
Name and Maiden Name of Mother	Agnes Loko Ngewa..						
Signature, Description and Residence of Informant	sgd. self						
Signature of Registering Officer	G.K. MUNYOROKU					14-3-2000	



Baptismal Name (added or altered after Registration of Birth)

Certified to be a true copy of a return entry in the Register of Births in the District above mentioned.
 Given under the seal of the Principal Registrar on the 14th day of March 2000

This certificate is issued in pursuance of the Births and Deaths Registration Act (Cap. 149) which provides that a certified copy of any entry in any register or return purporting to be sealed or stamped with the seal of the Principal Registrar shall be received as evidence of the date and facts therein without any other proof of such entry.

Typed by: PNN CA 17236/A of 14-3-2000
 Auth. 2155/CA of 14-3-2000

Checked by: [Signature]

FEE PAID: Fifty Shillings

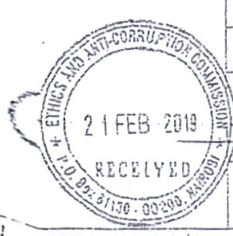
USE 2000-1m 2000-7/00

BIRTH CERTIFICATE NO. / NA. YA CHETI CHA KUZALIWA	739042
PLACE OF BIRTH / MAHALI PA KUZALIWA	NAIROBI
DISTRICT OF BIRTH / WILAYA YA KUZALIWA	NAIROBI
COUNTY OF BIRTH / KAUNTI YA KUZALIWA	NAIROBI
COUNTRY OF BIRTH / NCHI YA KUZALIWA	KENYA
3. NATIONALITY / UTAIFA	
Kenyan / Mkenya <input checked="" type="checkbox"/>	Dual / Katekote <input type="checkbox"/>
(Provide details / Toa maelezo)	

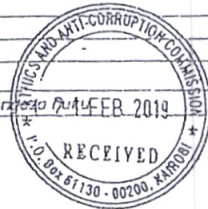
LEADERSHIP AND INTEGRITY ACT, 2012 / KIFUNGU CHA SHERIA CHA UONGOZI NA UADILIFU, 2012
FIRST SCHEDULE (S.13) / TARATIBU YA KWANZA (S.13)

SELF-DECLARATION FORM / FOMU YA KUJITANGAZA

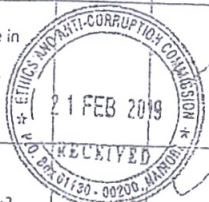
1. GENERAL INFORMATION / TAARIFA YA JUMLA				
Title / Cheo	Surname / Jina la ukoo	First Name / Jina la Kwanza	Middle Name / Jina la Katikati	Other Names / Majina Mengine
Mr/Mrs/Pastor Miss/Ms/Dr Sw/Bh/Prof Binti/Bibi/Idhe	MUTYARABA	HILARY	N.	—
ID CARD No. Na. ya Kitam Eulisha	PASSPORT NO. NA. ya PASIPOTI	EXPIRY DATE OF PASSPORT TAREHE YA MUDA WA PASIPOTI KUISHA	PIN NO. NA. ya PIN	
7945880	B131008	02/05/2020	A00150820AM	
SEX (Tick) JINSIA (Weka Alama)	Occupation: Kazi:		CIVIL SERVANT	
Male Kiume <input type="checkbox"/>	E-Mail Address: Anwani ya Barua pepe:		hmutyara@...co	
Female Kike <input type="checkbox"/>	Postal Address: PO Box Anwani ya Posta: SL Posta:		30091	Code: 00100 Msimba:
Telephone No. Na. ya Simu	Other Addresses: Anwani Nyingine:		—	
	Mobile No. Na. ya Rununu	Other Numbers Nambari Nyingine		
	077 516711	—		
RESIDENCE MAKAZI	ESTATE/TOWN/LOCATION MTAA/MJI/LOKESHENI		LANGATA	
	DISTRICT WILAYA		LANGATA	
	COUNTY KAUNTI		NAIROBI	
	TOWN/CITY TAJI/JIJI		NAIROBI	
	COUNTRY NCHI		KENYA	
2. BIRTH INFORMATION / TAARIFA YA KUZALIWA				
DATE OF BIRTH / TAREHE YA KUZALIWA		29/09/1964		



HIGHEST ACADEMIC QUALIFICATION OBTAINED KUFUZI KWA JUU ZAIDI KWA KIAKADEMIA ULIKOPATA		
Qualification / Kufuzu	Institution / Taasisi	Year / Mwaka
MASTER OF NATIONAL SECURITY POLICY	THE AUSTRALIAN NATIONAL UNIVERSITY	2014
6. LANGUAGE SPOKEN / LUGHA UNAZOZUNGUMZA		
First Language Lugha ya Kwanza	Second Language Lugha ya Pili	Others Nyingine
KAMBA	KISWAHI	ENGLISH
7. MEMBERSHIP OF PROFESSIONAL ORGANISATION(S) (If any) UANACHAMA WA SHIRIKA(MA) YA KITAALAMU (Kama yapo)		
Name of Organization Jina la Shirika	Date of Admission Tarehe ya Kuandikishwa	Membership No. Na. ya Uanachama
8. REASON(S) FOR DECLARATION / SABABU ZA KUJITANGAZA		
Purpose for which declaration is required / Kusudia la kuhitajika kwa kujitangaza		
Election <input type="checkbox"/> Employment <input checked="" type="checkbox"/>		
Upigaji kura Kuajiriwa		
Others (Specify) Nyingine (Bainisha)		
State office for which the declaration is being submitted Ofisi ya serikali ambayo kujitangaza huku kunawasilishwa		NATIONAL POLICE SERVICE (NPS)
9. MORAL AND ETHICAL QUESTIONS / MASWALI YA NIDHAMU NA KIMAADILI		
Answers to the following questions are mandatory. If YES to any question you must provide additional information on a supplementary sheet. Majibu kwa maswali yafuatayo ni lazima. Kama NDIYO katika sivali Talote lazima utoe toarifa ya ziada kwenye karatasi nyingine.		
	YES	NO
a) Have you ever engaged in any form of dishonesty in the conduct of public affairs a) Umewahi kujihusisha na hali yoyote ya kutokuwa mwaminifu katika kazi zako na shughuli za umma		✓
b) Have you ever abused a public office? b) Umewahi kutumia vibaya ofisi ya umma?		✓
c) Have you ever misrepresented information to the public? c) Umewahi kuwakilisha kwa njia isiyofaataarifa kwa umma?		✓
d) Have you ever engaged in wrongful conduct whilst in the furtherance of personal benefit?		✓



d) Umewahi kujihusisha katika tabia mbaya huku ukitaka kujinufaisha kibinafsi?		
e) Have you ever misused public resources? e) Umewahi kutumia vibayo rasilimali za umma?		✓
f) Have you ever discriminated against anyone of any grounds other than as provided for under the Constitution or any other law? f) Umewahi kubagua yeyote kwa misingi yoyote mbali na vile ilivyoelezwa katika Katiba au sheria yoyote nyingine?		✓
g) Have you ever falsified official or personal records? g) Je, umewahi kudanganya katika rekodi rasmi au za kibinafsi?		✓
h) Have you ever been debarred or removed from the Register of Members of your professional organization? h) Umewahi kupigwa teke au kuandolewa kutoka kwenye Rejista ya Wanachama wa shirika lako la kitaalamu?		✓
i) Have you ever had any occupational or vocational license revoked and/or otherwise subjected to any other disciplinary action for cause in Kenya or any other country? i) Umewahi kujipata katika hali ya leseni yako ya kikazi au ya kiufundi kutupiliwa mbali na/au vinginevyo kuchukuliwa hatua nyingine ya kinidhamu katika nchi ya Kenya au nchi yoyote nyingine		✓
j) Have you ever dismissed from employment on account of lack of integrity? j) Umewahi kufutwa kazi katika ajira kutokana na ukosefu wa uadilifu?		✓
k) If you have been a public officer, have you ever failed to declare your Income, Assets and Liabilities as required under the Public Officer Ethics Act, 2003? k) Kama umewahi kuwa ofisa wa umma, umewahi kushindwa kutangaza Mapato yako, Mali na Gharama kama unavyohitajika katika Kifungu cha sheria cha Maadili ya Ofisa wa Umma, 2003?		✓
l) Have you ever been the subject of disciplinary or criminal proceedings for breach of the Public Officer Ethics Act, 2003 or a Code prescribed thereunder? l) Umewahi kuwa mada katika taratibu za kinidhamu au kihalifu kwa kuvunja kifungu cha sheria cha Maadili ya Ofisa wa Umma 2003, au Msimbo ulioainshwa hapo chini?		✓
m) Have you ever been convicted of any offence and sentenced to serve imprisonment for a period of at least six months? m) Umewahi kushitakiwa kwa kosa lolote na kuhukumiwa kifungo gerezani kwa kipindi kipatacha miezi sita?		✓
n) Have you ever had an application for a Certificate of Clearance or a Certificate of Good Conduct or for a visa or other document authorizing work in a public office denied and/or rejected for cause in Kenya or any other country?		✓



UNIVERSITY OF NAIROBI



This is to certify that

Hillary N. Mutyamba

having satisfied the requirements
for the award of the degree of the

**BACHELOR OF SCIENCE
(IN AGRICULTURE)**

Second Class Honours (Lower Division)

was admitted to the degree
at a Congregation held at
this University on the

Twenty Second Day of October in the Year
1990

Paul H. Mutitu

VICE - CHANCELLOR

N. O. Bwito

DEPUTY VICE - CHANCELLOR (ACADEMIC AFFAIRS)



PIN Certificate

For General Tax Questions
Contact IGRA Call Centre
Tel: +254 (020) 4592 505
Fax: +254 (020) 4592 502
Email: callcentre@kra.go.ke

Certificate Date: 21/05/2015
Personal Identification Number
A0015082044

This is to certify that taxpayer shown herein has been registered with Kenya Revenue Authority

Taxpayer Information

Taxpayer Name	HILARY N MUTYAMBAI
Email Address	HM2NZIOKI@YAHOO.COM



Registered Address

LR Number :	Building : NIS
Street/Road : THIKA ROAD	City/Town : NAIROBI
County : Nairobi	District : Nairobi East District
Tax Area : Nairobi East	Station : West of Nairobi
P. O. Box : 30091	Postal Code : 00100

Tax Obligation(s) Registration Details

Sr. No.	Tax Obligation(s)	Effective From Date	Effective Till Date	Status
1	Income Tax - Resident Individual	04/07/1994	N.A.	Active

The above PIN must appear on all your tax invoices and correspondences with Kenya Revenue Authority. Your accounting end date is 31st December as per the provisions stated in the Income Tax Act unless a change has been approved by the Commissioner-Domestic Taxes Department. The status of Tax Obligation(s) with 'Dormant' status will automatically change to 'Active' on date mentioned in 'Effective Till Date' or any transaction done during the period. This certificate shall remain in force till further updated.





ETHICS AND ANTI-CORRUPTION COMMISSION
INTEGRITY CENTRE (Jakaya Kikwete/Valley Road Junction) P.O. Box 61130 – 00200, NAIROBI, Kenya
TEL: 254 (020) 4997000. MOBILE: 0709 781000; 0730 997000
FAX: 254 (020) 2240954 EMAIL: eacc@integrity.go.ke WEBSITE: www.eacc.go.ke

When replying please quote:

OUR REF: EACC.7/10/5 VOL.VIII (252)

26th March, 2019

Michael R. Sialai, EBS
Clerk of the National Assembly
Parliament Buildings
P.O Box 41842-00100
NAIROBI



J. M Nyegenye, CBS
Clerk of the Senate/Secretary
Parliamentary Service Commission
Parliament Buildings
P.O Box 41842 - 00100
NAIROBI

**RE: VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE
POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE – MR.
HILLARY NZIOKI MUTYAMBAI**

Your letter referenced SEN/NSFR/2019/27 dated 21st March, 2019 on the above subject matter refers.

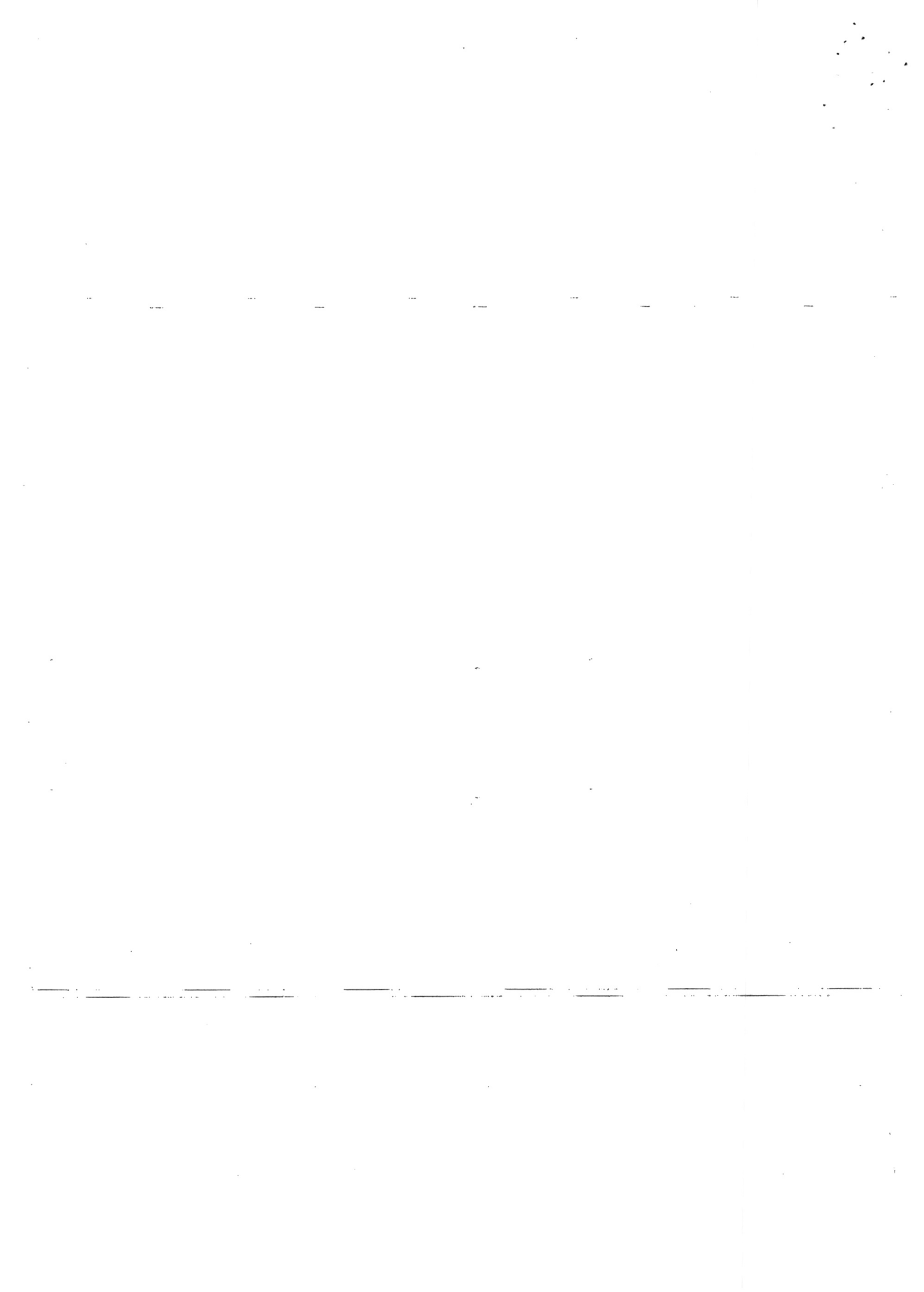
We wish to confirm that we have not undertaken any investigations where **Mr. Hillary Nzioki Mutyambai** has been found culpable.

The information provided is based on records available as at 26th March, 2019.

Please note that the absence of records in the Commission's database is not a guarantee of absolute integrity of the nominee.


TWALIB MBARAK
SECRETARY/CHIEF EXECUTIVE OFFICER

LCK/tnm



57s



Commission for University Education

Office of the Chief Executive

*3 Encl
pls note
FA
26/3/19*

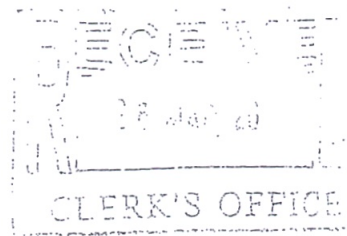
*2 Appt
pls deal
FA
26/3/19*

*1 Dlant
26/3/19*

CUE/1/12/VOL. 2/(13)

25th March, 2019

Michael R. Sialai
Clerk of the National Assembly
Clerk's Chambers
Parliament Building
P.O. Box 41842-00100
NAIROBI



VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE – MR. HILARY NZIOKI MUTYAMBAI

Reference is made to your letter SEN/NSFR/2019/31 dated 21st March, 2019 on the above subject.

Enclosed herewith please find a representation from the Commission for University Education on the suitability of the nominee.

Yours

Prof. Mwendu Ntarangwi, PhD
COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER

Encl.

MN/gg





Commission for University Education

PRESENTATION OF THE COMMISSION FOR UNIVERSITY EDUCATION (CUE)

ON

THE SUITABILITY OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE POSITION OF INSPECTOR-GENERAL, NATIONAL POLICE SERVICE. - MR. HILARY NZIOKI MUTYAMBAI

INTRODUCTION

The Commission for University Education is established under the Universities Act No.42 of 2012 Revised 2016 (2015) as the successor to the Commission for Higher Education (CHE). The Commission is charged with a multifaceted mandate (derived from its functions) that encompasses the development and implementation of a quality assurance system for university education, the submission of advisories on all aspects of university education policy, the monitoring and evaluation of the state of the university education system, and spearheading intellectual discourse on key national and systemic issues pertaining to research, development, and innovation systems.

As such, the Commission seeks to be a leading regulator and custodian of quality for relevant and sustainable university education attuned to Goal No. 4 of SDGs in order to “Ensure inclusive and equitable quality university education and promote lifelong learning opportunities”.

Vision

A leading regulator of quality, relevant and sustainable university education

Hilary Nzioki Mutyambai



Mission

To promote quality university education through regulation, monitoring compliance and policy advisory to achieve global competitiveness

MANDATE

The mandate of the Commission is to ensure maintenance of standards, quality and relevance in all aspects of university education, training and research. This is achieved through execution of the functions of the Commission as stipulated in section 5 (1) of the Act. These functions include:

- a) Promoting the objectives of university education; setting standards relevant to quality of university education
- b) Advise the Cabinet Secretary on policy relating to university education
- c) Promote, advance, publicize and set standards relevant in the quality of university education, including the promotion and support of internationally recognized standards
- d) Monitor and evaluate the state of university education systems in relation to the national development goals
- e) License any student recruitment agencies operating in Kenya and any activities by foreign institutions
- f) Develop policy for criteria and requirements for admission to universities
- g) Recognize and equate degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the standards and guidelines set by the Commission from time to time
- h) Undertake or cause to be undertaken, regular inspections, monitoring and evaluation of universities to ensure compliance with the provisions of this Act or any regulations made under section 70
- i) On regular basis, inspect universities in Kenya
- j) Approve universities in Kenya
- k) Regulate university education in Kenya
- l) Approve and inspect university programme in Kenya
- m) Promote quality research and innovation

RECOGNITION AND EQUATION OF QUALIFICATIONS

Executive Summary

The Commission undertakes recognition and equation of degrees, Post-Graduate Diplomas and Post-Graduate Certificates conferred or awarded by Foreign Universities and Institutions. This is in accordance with Section 5 of The Universities Act No. 42 of 2012, (Revised 2016) [2015] and The Universities Regulations 2014, The Universities Standards and Guidelines, 2014, set by the Commission from time to time.

Background



Recognition and Equation of Qualifications is one of the core functions of the Commission for University Education (CUE) as the National Regulatory Agency, and the sole member of the International Network of Quality Assurance Agencies in Higher Education (INQAAHE) in Kenya. The Commission is mandated to “*recognize and equate degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the Standards and Guidelines set by the Commission from time to time*” as stipulated under Section 5 (1) of The Universities Act, No. 42 of 2012, (Revised 2016) [2015] as part of compliance to the legal provisions.

Globally, CUE is the reference point on all matters pertaining to university qualifications awarded by any foreign university or institution outside Kenya and in the country by virtue of its membership to the International Network for Quality Assurance Agencies in Higher Education (INQAAHE) and the legal provisions. INQAAHE is a world-wide association of organizations that is active in the theory and practice of quality assurance (QA) in higher education (HE).

The Commission receives applications nationally and internationally from persons seeking recognition and equation for purposes of further studies, employment in Kenya and for those running for political office among other reasons. The Secretariat applies the same criteria for recognition and equation of qualifications from Kenyans and foreigners. Due to the security concerns in the country, the Secretariat requires applicants from outside Kenya as a mandatory requirement provide additional documents as proof of legal presence in the country.

General Requirements

- The qualification must be accredited and recognized.
- The qualification must have been obtained from an accredited and recognized University or Institution.
- The holder of the award must have met the minimum entry requirements for an academic programme leading to an equivalent qualification in Kenya.
- All copies of certificates and academic transcripts presented as proof of attainment of entry requirements for a particular qualification must be certified by an Advocate and Commissioner for Oaths (for Kenyan citizens), an Advocate and Notary Public (for foreigners) OR the issuing University/Institution.

RECOGNITION OF QUALIFICATIONS - MR. HILARY NZIOKA MUTYAMBAI

- Master of Arts in National Security Policy

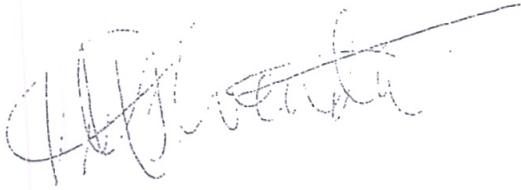
It is hereby being confirmed that Australian National University is a recognized university in Australia. The qualification of Master of Arts in National Security Policy awarded by the said institution is also recognized in Australia and by convention in Kenya.

It should be duly noted that we would advise the applicant that, in addition to this recognition, they may be required to meet other mandatory requirements as stipulated by their respective professional organizations.



Disclaimer

- a) Commission shall not be held accountable for the authenticity of the certificate or the identity of the certificate holder presented for recognition (where this has been done).
- b) At the time of compiling this report, the said nominee had not presented the requisite documents for recognition. This presentation is based solely on the records available to the Commission on internationally accredited universities and information provided in the curriculum vitae and testimonials of the nominee as presented to the Commission for University Education by the Parliamentary Service Commission.



PROF. MWENDA NTARANGWI, PhD
COMMISSION SECRETARY/CHIEF EXECUTIVE OFFICER

Dated: 25th March 2019



=====

=====

C. M. M. M.
pls note
26/3/19

NATIONAL POLICE SERVICE

pls check
FA
26/3/19

Telegrams: "CRIMINAL" Nairobi
Email: director @cid.go.ke
Tel: 020343312, 0202603724.



MAZINGIRA HOUSE
KIAMBU ROAD
P.O. Box 30036 NAIROBI.

DIRECTORATE OF CRIMINAL INVESTIGATIONS

REF: CID/SEC/6/7/2/1/VOL.III/115

25THMARCH, 2019

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

E. D. M. M.
26/3/19

RE: VETTING OF PRESIDENTIAL NOMINEE FOR THE APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE – MR. HILARY NZIOKI MUYTAMBAI

Your letter referenced SEN/NSFR/2019/30 dated 21st March 2019 refers.

Mr. Hilary Nzioki Muytambai have worked closely with the Directorate of Criminal Investigations prior to his appointment to the office of Inspector General, National Police Service. He has shared discreet information on organized criminal gangs and he has been instrumental in some of the major cases the Directorate has made breakthroughs. This can best be exemplified by the way he assisted in interdiction of terrorists during the DusitD2 attack through sharing actionable intelligence. He exhibited excellent operational skills and consistency which enabled the Directorate and other security agencies accomplish and neutralize the attackers. Other citations that have

[Faint circular stamp at the bottom right]

assisted in the operational capability of the Directorate in containing organized criminal gangs have been documented.

His comprehensive understanding of the modus operandi of criminals including their trends and instincts combined with intelligence acumen and leadership skills provide modern solutions in solving crime puzzles.

The officer has undertaken professional and crime related courses at International, Regional and National centers. This vast knowledge is pertinent in handling the current myriad security challenges.



GEORGE KINOTI, CBS
DIRECTOR CRIMINAL INVESTIGATIONS



**KENYA REVENUE
AUTHORITY**

ISO 9001:2015 CERTIFIED

Ref: KRA5/1002/ISO/3(375)19

25th March, 2019

Clerk's Chambers
National Assembly
Parliament Buildings
P.O. Box 41832-00100
NAIROBI.

Attn: Michael R. Sialai, EBS

Dear Sir,

**RE: VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT
TO THE POSITION OF INSPECTOR GENERAL, NATIONAL POLICE
SERVICE – MR. HILARY NZIOKA MUTYAMBAI (A001508204M)**

Reference is made to your letter Ref: SEN/NSFR/2019/28 dated 21st March, 2019 requesting for tax compliance report of stated nominee.

The tax compliance status of the candidate is as follows:

S/No.	NAME	ID NO.	PIN NO.	REMARKS	TCC NUMBER
1	Hilary Nzioka Mutyambai	7945880	A001508204M	Compliant	KRAWON1136670519

Yours faithfully,

Terra Saidimu
For: Commissioner Intelligence and Strategic Operations

Tulipe Ushuru, Tujitegeme!



REPUBLIC OF KENYA



Telegraphic Address
Telephone 3261304
Fax: 2243694
E-mail: csenate@parliament.co.ke

Clerk's Chambers
Parliament Buildings
P. O. Box 41842 - 00100
Nairobi, Kenya

PARLIAMENT

Our Ref: SEN/NSFR/2019/28

Date: 21st March, 2019

Mr. John Njiraini, MBS,
Commissioner General,
Kenya Revenue Authority,
Times Tower, 30th Floor,
Haile Selassie Avenue,
P. O. Box 48240 - 00100,
NAIROBI.



Dear Sir,

RE: VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE - MR. HILARY NZIOKI MUTYAMBAI <A001508204M - WDN

Pursuant to standing order 42 (1) of the National Assembly Standing Orders and standing order 42(1) of the Senate Standing Orders, on 19th March, 2019 and 20th March, 2019, the Speaker of the National Assembly and the Speaker of the Senate, respectively, conveyed to the respective Houses, a Message from His Excellency, Hon. Uhuru Kenyatta, CGH, President and Commander-in-Chief of the Kenya Defence Forces. The Message stated that in exercise of the powers conferred by Article 245(2)(a) of the Constitution, and in compliance with the procedure set out under section 12(2) of the National Police Service Act, 2011; His Excellency, the President, had nominated Mr. Hilary Nzioki Mutyambai for appointment as the Inspector-General of the National Police Service.

The Speakers directed that the approval proceedings in respect of the nominee be conducted jointly by the National Assembly Departmental Committee on Administration and National Security and the Senate Standing Committee on National Security, Defence and Foreign Relations.

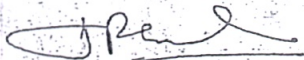
The Committees request the Kenya Revenue Authority (KRA) to make written representations on the suitability of the nominee for appointment, before Tuesday 26th March, 2019.

Attached, herein, is the nominees Curriculum Vitae and Testimonials.

Ms. Rose Mudibo (mobile no. 0717 442 440) and Mr. Adan Keinan (mobile no. 0720 452 342) are the Clerks to the Committees, and shall be responsible for further liaison on the matter.

Yours

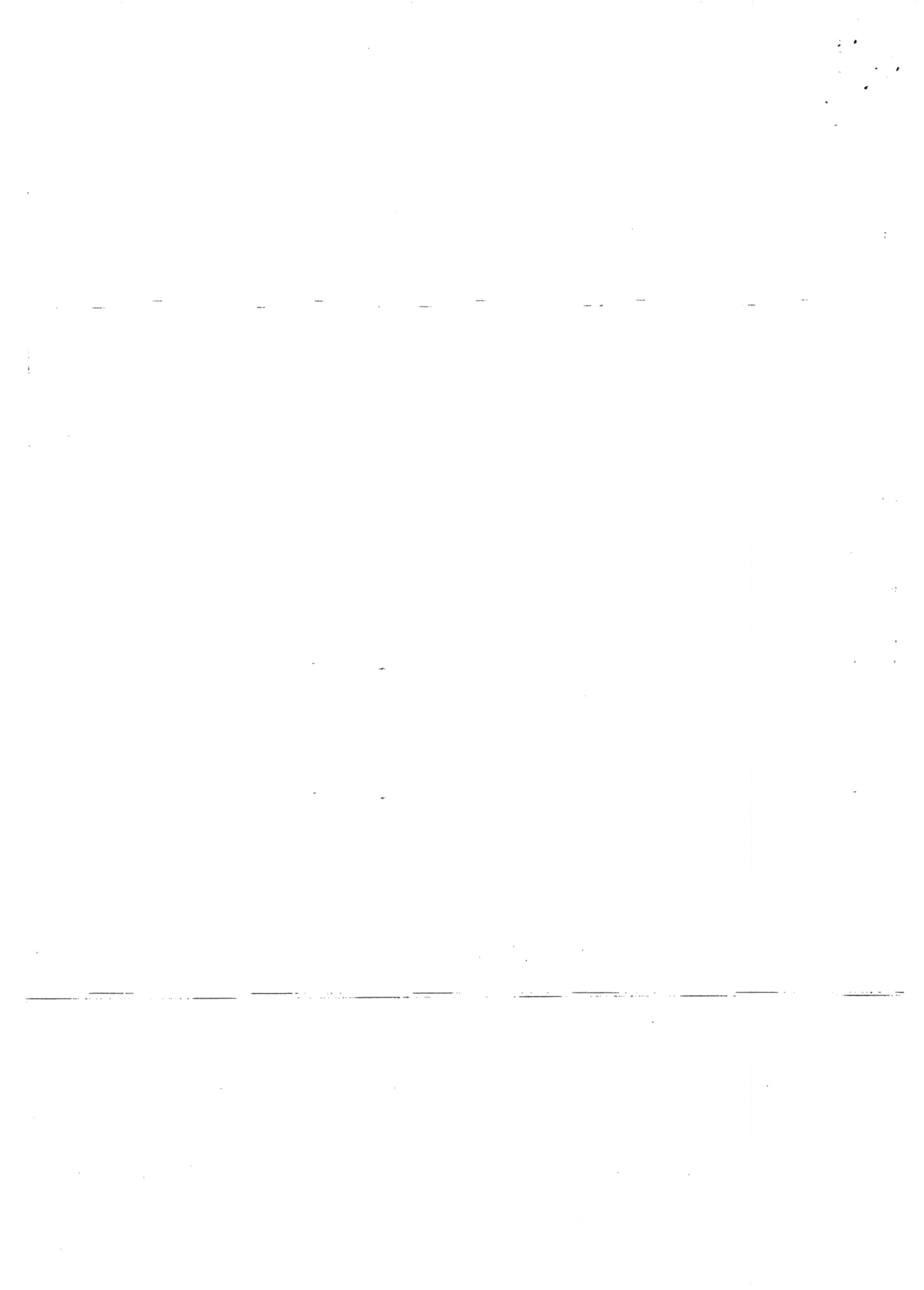
Kuly,



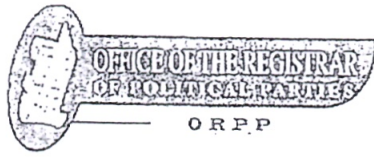
MICHAEL R. SIALAI, EBS,
CLERK OF NATIONAL
ASSEMBLY.



J. M. NYEGENYE, CBS,
CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.



206



Republic of Kenya

Telephone: +254(0)204022000
Email: registrar@orpp.or.ke
Website: www.orpp.or.ke
When replying please quote

Lion Place, 1st Floor
Off Waiyaki Way
P.O Box 1131-00606
Sarit Centre, Nairobi.

REF NO.: RPP/ORG/34 Vol. III (36)

① Dlom
For the Committee.

DATE: 25th March, 2019

Mr. Michael R. Sialai, EBS,
Clerk of the National Assembly,
Clerks Chambers, National Assembly,
Parliament Buildings,
P.O. Box 41842-00100,
NAIROBI.

EP
25/03/19

Mr. J.M. Nyegenye, CBS,
Clerk of the Senate/Secretary,
Parliamentary Service Commission,
Parliament Buildings,
P.O. Box 41842-00100,
NAIROBI.

② CAI--NSD/FR
Please bring to the
attention of the Joint
Vetting Committee

Dear Sir,

RE: VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE POSITION OF
INSPECTOR GENERAL, NATIONAL POLICE SERVICE - MR. HILARY NZIOKI
MUTYAMBAI

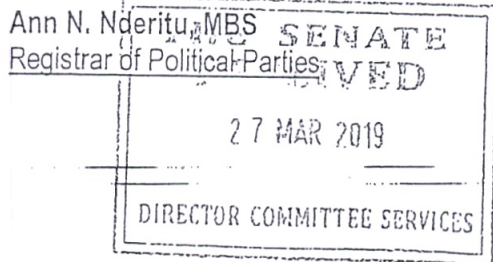
27/03/19

Reference is made to letter Ref. SEN/NSFR/2019/32 dated 21st March, 2019 on the above subject matter.

According to the records held by this office as at 8th March, 2019, Mr. Hilary Nzioki Mutyambai is not an official of any registered political party.

Yours faithfully,

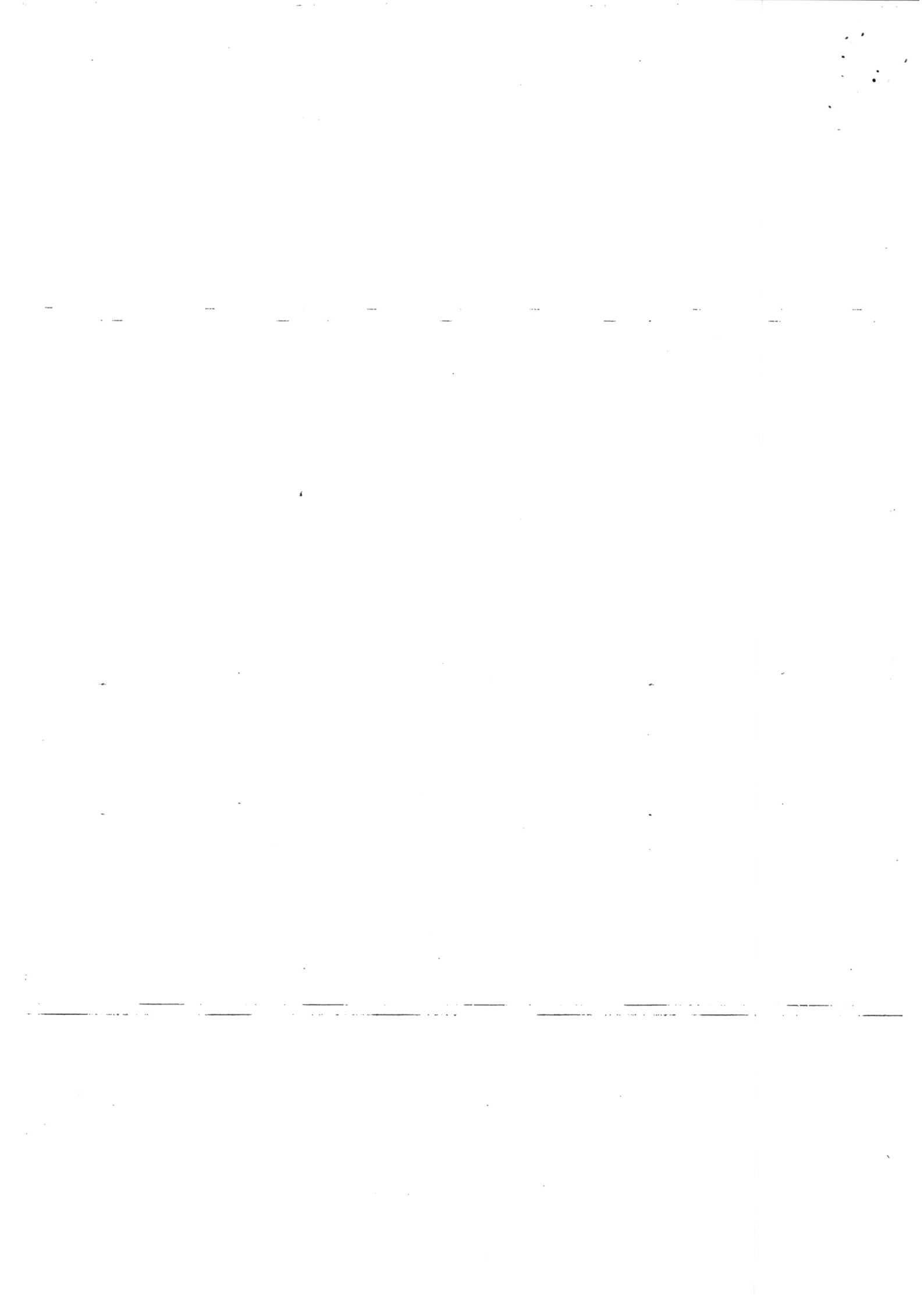
Ann N. Nderitu



Office of the Registrar of Political Parties-ORPP



@ORPPKenya





HIGHER EDUCATION LOANS BOARD

Tel: 0711052000
E-mail: contactcentre@helb.co.ke
Website: www.helb.co.ke

Anniversary Towers
University Way
P.O Box 69489-00400
Nairobi, Kenya

HELB/RR/112009/V/100

25th March, 2019

J.M Nyegenye, CBS
Senate Secretary/Clerk
Parliamentary Service Commission
P.O Box 41842-00100
NAIROBI

Dear _____,

VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE - MR. HILLARY NZIOKI MUTYAMBAI

We acknowledge with thanks the receipt of your letter dated 21st March 2019 regarding the vetting of Mr. Hillary Nzioki Mutyambai for appointment as the Inspector General of the National Police Service by the joint National Assembly Departmental Committee on Administration and National Security and The Senate Standing Committee on National Security Defense and Foreign Relations.

The Higher Education Loans Board wishes to inform you that Mr. Hillary Nzioki Mutyambai (ID No. 7945880) was a beneficiary of the GOK/HELB Loans Scheme and has cleared paying his university loan and issued with clearance certificate No. 21238 on 30th September 2010.

We urge you to encourage applicants to seek their compliance certificate from the Board as part of testimonials and conformity to Chapter six of the constitution of Kenya.

We wish to thank you most sincerely for allowing us to provide you this information as this kind of collaboration goes a long way in assisting HELB finance needy Kenyans pursuing higher education now and in the future.

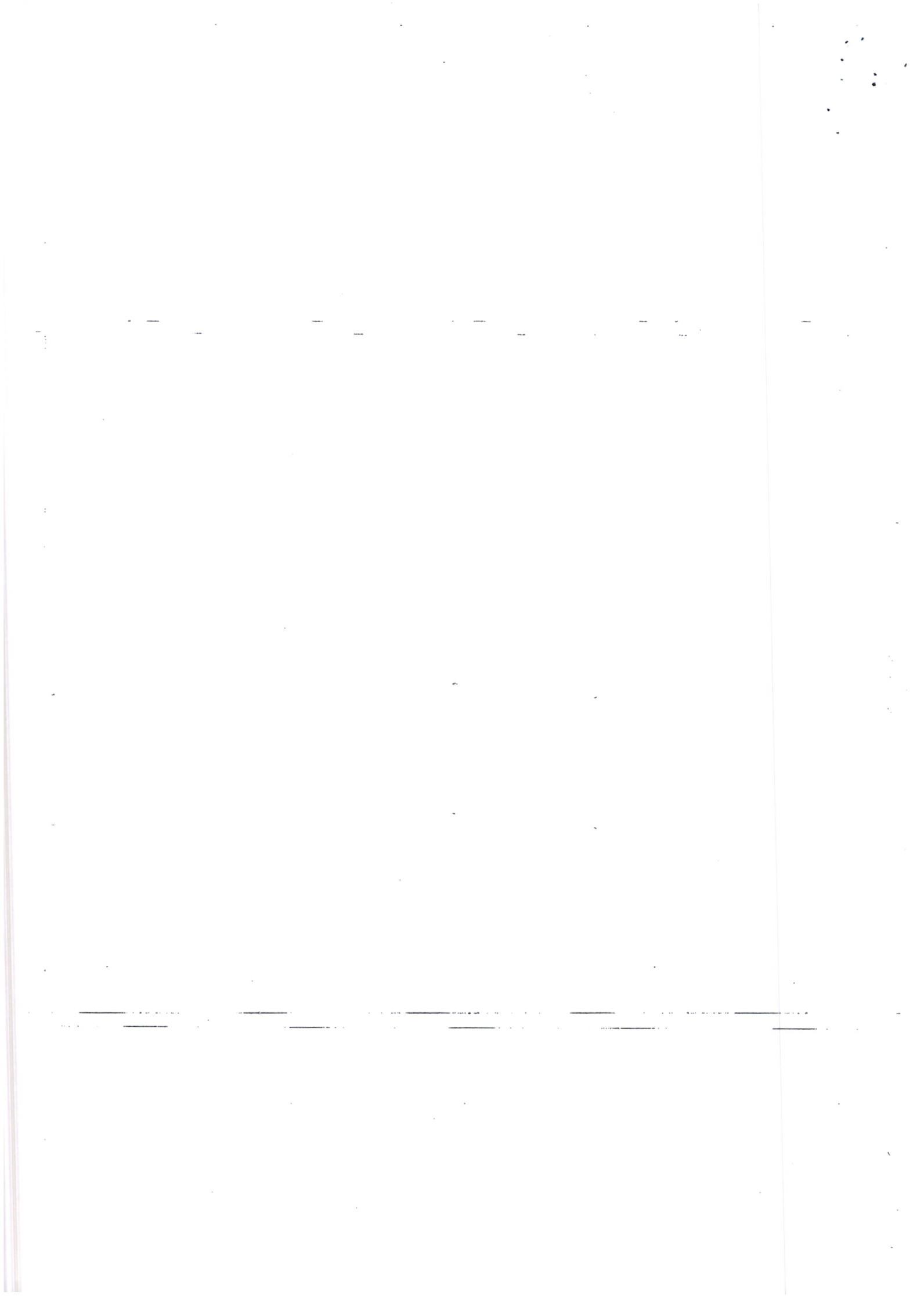
Yours

CHARLES RINGERA
CHIEF EXECUTIVE OFFICER



ISO 9001:2015 Certified.





OATH

I Hilary Nzioki
Mutyambai, do hereby
swear to testify on all
matters in question and
tell this Committee the
truth, the whole truth
and nothing but the
truth, so help me God.



REPUBLIC OF KENYA

Telegraphic Address
Telephone 3261304
Fax: 2243694
E-mail: cSenate@parliament.go.ke



Clerk's Chambers
Parliament Buildings
P. O. Box 41842 - 00100
Nairobi, Kenya

PARLIAMENT

Our Ref: SEN/NSFR/2019/32

Date: 21st March, 2019

Ms. Ann Njeri Nderitu,
Registrar,
Office of the Registrar of Political Parties,
Lions Place, Waiyaki Way, Westlands,
P. O. Box 1131 - 00600,
NAIROBI.

Dear *Madam,*

RE: **VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE
POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE –
MR. HILARY NZIOKI MUTYAMBAI**

Pursuant to standing order 42 (1) of the National Assembly Standing Orders and standing order 42(1) of the Senate Standing Orders, on 19th March, 2019 and 20th March, 2019, the Speaker of the National Assembly and the Speaker of the Senate, respectively, conveyed to the respective Houses, a Message from His Excellency, Hon. Uhuru Kenyatta, CGH., President and Commander in-Chief of the Kenya Defence Forces. The Message stated that in exercise of the powers conferred by Article 245(2)(a) of the Constitution, and in compliance with the procedure set out under section 12(2) of the National Police Service Act, 2011, His Excellency, the President, had nominated Mr. Hilary Nzioki Mutyambai for appointment as the Inspector-General of the National Police Service.

The Speakers directed that the approval proceedings in respect of the nominee be conducted jointly by the National Assembly Departmental Committee on Administration and National Security and the Senate Standing Committee on National Security, Defence and Foreign Relations.

The Committees request the Registration of Political Parties to make written representations on the suitability of the nominee for appointment, before Tuesday, 26th March, 2019.

Attached, herein, is the nominees Curriculum Vitae and Testimonials.

Ms. Rose Mudibo (mobile no. 0717 442 440) and Mr. Adan Keinan (mobile no. 0720 452 342) are the Clerks to the Committees, and shall be responsible for further liaison on the matter.

Yours Truly,



**MICHAEL R. SIALAI, EBS,
CLERK OF NATIONAL
ASSEMBLY.**



**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.**

REPUBLIC OF KENYA



Telegraphic Address
Telephone 3261304
Fax: 2243694
E-mail: csenate@parliament.go.ke

Clerk's Chambers
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT

Our Ref: SEN/NSFR/2019/30

Date: 21st March, 2019

Mr. George M. Kinoti, CBS,
Director,
Directorate of Criminal Investigation,
P. O. Box 30036-00100,
Kiambu Road,
NAIROBI.

Dear Sir,

**RE: VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE
POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE –
MR. HILARY NZIOKI MUTYAMBAI**

Pursuant to standing order 42 (1) of the National Assembly Standing Orders and standing order 42(1) of the Senate Standing Orders, on 19th March, 2019 and 20th March, 2019, the Speaker of the National Assembly and the Speaker of the Senate, respectively, conveyed to the respective Houses, a Message from His Excellency, Hon. Uhuru Kenyatta, CGH., President and Commander in-Chief of the Kenya Defence Forces. The Message stated that in exercise of the powers conferred by Article 245(2)(a) of the Constitution, and in compliance with the procedure set out under section 12(2) of the National Police Service Act, 2011, His Excellency, the President, had nominated Mr. Hilary Nzioki Mutyambai for appointment as the Inspector-General of the National Police Service.

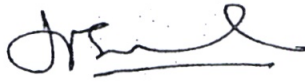
The Speakers directed that the approval proceedings in respect of the nominee be conducted jointly by the National Assembly Departmental Committee on Administration and National Security and the Senate Standing Committee on National Security, Defence and Foreign Relations.

The Committees request the Directorate of Criminal Investigation to make written representations on the suitability of the nominee for appointment, before Tuesday 26th March, 2019.

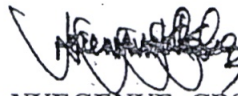
Attached, herein, is the nominees Curriculum Vitae and Testimonials.

Ms. Rose Mudibo (mobile no. 0717 442 440) and Mr. Adan Keinan (mobile no. 0720 452 342) are the Clerks to the Committees, and shall be responsible for further liaison on the matter.

Yours truly,



**MICHAEL R. SIALAI, EBS,
CLERK OF NATIONAL
ASSEMBLY.**



**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.**

REPUBLIC OF KENYA



Telegraphic Address
Telephone 3261304
Fax: 2243694
E-mail: csenate@parliament.go.ke

Clerk's Chambers
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT

Our Ref: SEN/NSFR/2019/29

Date: 21st March, 2019

Mr. Charles Ringera,
Chief Executive Officer,
Higher Education Loans Board (HELB),
Anniversary Towers, 19th Floor,
P. O. Box 69489-00400,
NAIROBI.

Dear *Sir*

**RE: VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE
POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE –
MR. HILARY NZIOKI MUTYAMBAI**

Pursuant to standing order 42 (1) of the National Assembly Standing Orders and standing order 42(1) of the Senate Standing Orders, on 19th March, 2019 and 20th March, 2019, the Speaker of the National Assembly and the Speaker of the Senate, respectively, conveyed to the respective Houses, a Message from His Excellency, Hon. Uhuru Kenyatta, CGH., President and Commander in-Chief of the Kenya Defence Forces. The Message stated that in exercise of the powers conferred by Article 245(2)(a) of the Constitution, and in compliance with the procedure set out under section 12(2) of the National Police Service Act, 2011, His Excellency, the President, had nominated Mr. Hilary Nzioki Mutyambai for appointment as the Inspector-General of the National Police Service.


The Speakers directed that the approval proceedings in respect of the nominee be conducted jointly by the National Assembly Departmental Committee on Administration and National Security and the Senate Standing Committee on National Security, Defence and Foreign Relations.

The Committees request the Higher Education Loans Board (HELB) to make written representations on the suitability of the nominee for appointment, before Tuesday 26th March, 2019.

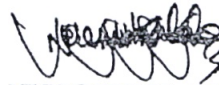
Attached, herein, is the nominees Curriculum Vitae and Testimonials.

Ms. Rose Mudibo (mobile no. 0717 442 440) and Mr. Adan Keinan (mobile no. 0720 452 342) are the Clerks to the Committees, and shall be responsible for further liaison on the matter.

Yours Truly,



**MICHAEL R. SIALAI, EBS,
CLERK OF NATIONAL
ASSEMBLY.**



**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.**

REPUBLIC OF KENYA

Telegraphic Address
Telephone 3261304
Fax: 2243694
E-mail: csenate@parliament.go.ke



Clerk's Chambers
Parliament Buildings
P. O. Box 41842 - 00100
Nairobi, Kenya

PARLIAMENT

Our Ref: SEN/NSFR/2019/31

Date: 21st March, 2019

Prof. Mwenda Ntarangwi,
Commission Secretary / CEO,
Commission for University Education,
Red Hill Road, Off Limuru Road,
P. O. Box 54999 - 00200,

NAIROBI.

Dear *Prof*

RE: VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE - MR. HILARY NZIOKI MUTYAMBAI

Pursuant to standing order 42 (1) of the National Assembly Standing Orders and standing order 42(1) of the Senate Standing Orders, on 19th March, 2019 and 20th March, 2019, the Speaker of the National Assembly and the Speaker of the Senate, respectively, conveyed to the respective Houses, a Message from His Excellency, Hon. Uhuru Kenyatta, CGH., President and Commander in-Chief of the Kenya Defence Forces. The Message stated that in exercise of the powers conferred by Article 245(2)(a) of the Constitution, and in compliance with the procedure set out under section 12(2) of the National Police Service Act, 2011, His Excellency, the President, had nominated Mr. Hilary Nzioki Mutyambai for appointment as the Inspector-General of the National Police Service.

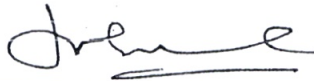
The Speakers directed that the approval proceedings in respect of the nominee be conducted jointly by the National Assembly Departmental Committee on Administration and National Security and the Senate Standing Committee on National Security, Defence and Foreign Relations.

The Committees request the Commission for University Education to make written representations on the suitability of the nominee for appointment, before Tuesday 26th March, 2019.

Attached, herein, is the nominees Curriculum Vitae and Testimonials.

Ms. Rose Mudibo (mobile no. 0717 442 440) and Mr. Adan Keinan (mobile no. 0720 452 342) are the Clerks to the Committees, and shall be responsible for further liaison on the matter.

Yours Truly,



**MICHAEL R. SIALAI, EBS,
CLERK OF NATIONAL
ASSEMBLY.**



**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.**

REPUBLIC OF KENYA

Telegraphic Address
Telephone 3261304
Fax: 2243694
E-mail: csenate@parliament.go.ke



Clerk's Chambers
Parliament Buildings
P. O. Box 41842-00100
Nairobi, Kenya

PARLIAMENT

Our Ref: SEN/NSFR/2019/27

Date: 21st March, 2019

Mr. Twalib Abdallah Mbarak,
The Chief Executive Officer,
Ethics and Anti-Corruption Commission,
Milimani/ Valley Road Junction,
P. O. Box 305450-00100,
NAIROBI.

Dear *Sir,*

**RE: VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE
POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE –
MR. HILARY NZIOKI MUTYAMBAI**

Pursuant to standing order 42 (1) of the National Assembly Standing Orders and standing order 42(1) of the Senate Standing Orders, on 19th March, 2019 and 20th March, 2019, the Speaker of the National Assembly and the Speaker of the Senate, respectively, conveyed to the respective Houses, a Message from His Excellency, Hon. Uhuru Kenyatta, CGH., President and Commander in-Chief of the Kenya Defence Forces. The Message stated that in exercise of the powers conferred by Article 245(2)(a) of the Constitution, and in compliance with the procedure set out under section 12(2) of the National Police Service Act, 2011, His Excellency, the President, had nominated Mr. Hilary Nzioki Mutyambai for appointment as the Inspector-General of the National Police Service.

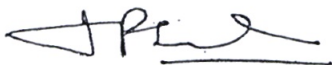
The Speakers directed that the approval proceedings in respect of the nominee be conducted jointly by the National Assembly Departmental Committee on Administration and National Security and the Senate Standing Committee on National Security, Defence and Foreign Relations.

The Committees request the Ethics and Anti-Corruption Commission (EACC) to make written representations on the suitability of the nominee for appointment, before Tuesday, 26th March, 2019.

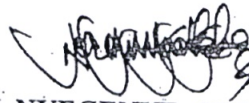
Attached, herein, is the nominees Curriculum Vitae and Testimonials.

Ms. Rose Mudibo (mobile no. 0717 442 440) and Mr. Adan Keinan (mobile no. 0720 452 342) are the Clerks to the Committees, and shall be responsible for further liaison on the matter.

Yours Truly,



MICHAEL R. SIALAI, EBS,
CLERK OF NATIONAL
ASSEMBLY.



J. M. NYEGENYE, CBS,
CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.

REPUBLIC OF KENYA



Telegraphic Address
Telephone 3261304
Fax: 2243694
E-mail: csenate@parliament.go.ke

Clerk's Chambers
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT

Our Ref: SEN/NSFR/2019/28

Date: 21st March, 2019

Mr. John Njiraini, MBS,
Commissioner General,
Kenya Revenue Authority,
Times Tower, 30th Floor,
Haile Selassie Avenue,
P. O. Box 48240 - 00100,
NAIROBI.

Dear *Sir,*

RE: **VETTING OF PRESIDENTIAL NOMINEE FOR APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL, NATIONAL POLICE SERVICE - MR. HILARY NZIOKI MUTYAMBAI**

Pursuant to standing order 42 (1) of the National Assembly Standing Orders and standing order 42(1) of the Senate Standing Orders, on 19th March, 2019 and 20th March, 2019, the Speaker of the National Assembly and the Speaker of the Senate; respectively, conveyed to the respective Houses, a Message from His Excellency, Hon. Uhuru Kenyatta, CGH., President and Commander in-Chief of the Kenya Defence Forces. The Message stated that in exercise of the powers conferred by Article 245(2)(a) of the Constitution, and in compliance with the procedure set out under section 12(2) of the National Police Service Act, 2011, His Excellency, the President, had nominated Mr. Hilary Nzioki Mutyambai for appointment as the Inspector-General of the National Police Service.

The Speakers directed that the approval proceedings in respect of the nominee be conducted jointly by the National Assembly Departmental Committee on Administration and National Security and the Senate Standing Committee on National Security, Defence and Foreign Relations.

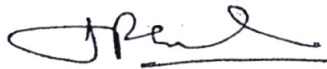
The Committees request the Kenya Revenue Authority (KRA) to make written representations on the suitability of the nominee for appointment, before **Tuesday 26th March, 2019.**

Attached, herein, is the nominees Curriculum Vitae and Testimonials.

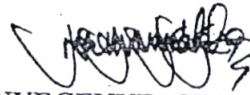
Ms. Rose Mūdibo (mobile no. 0717 442 440) and Mr. Adan Keinan (mobile no. 0720 452 342) are the Clerks to the Committees, and shall be responsible for further liaison on the matter.

Yours

truly,



**MICHAEL R. SIALAI, EBS,
CLERK OF NATIONAL
ASSEMBLY.**



**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.**

REPUBLIC OF KENYA



Telegraphic Address
Telephone 3261304
Fax: 2243694
E-mail: senate@parliament.go.ke

Clerk's Chambers
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT

Our Ref: SEN/NSFR/2019/26

Date: 21st March, 2019

Mr. Hilary Nzioki Mutyambai,
Deputy Director,
Counter Terrorism,
National Intelligence Service,
P. O. Box 30091-00100,
NAIROBI.

Dear *Sir*,

RE: **VETTING OF NOMINEE FOR APPOINTMENT TO THE POSITION OF INSPECTOR-GENERAL, NATIONAL POLICE SERVICE, MR. HILARY NZIOKI MUTYAMBAI**

Pursuant to standing order 42 (1) of the National Assembly Standing Orders and standing order 42(1) of the Senate Standing Orders, on 19th March, 2019 and 20th March, 2019, the Speaker of the National Assembly and the Speaker of the Senate, respectively, conveyed to the respective Houses, a Message from His Excellency, Hon. Uhuru Kenyatta, CGH., President and Commander in-Chief of the Kenya Defence Forces. The Message stated that in exercise of the powers conferred by Article 245(2)(a) of the Constitution, and in compliance with the procedure set out under section 12(2) of the National Police Service Act, 2011, His Excellency, the President, had nominated Mr. Hilary Nzioki Mutyambai for appointment as the Inspector-General of the National Police Service.

The Speakers directed that the approval proceedings in respect of the nominee be conducted jointly by the National Assembly Departmental Committee on Administration and National Security and the Senate Standing Committee on National Security, Defence and Foreign Relations.

Pursuant to section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011, standing order 45(3) of the National Assembly Standing Orders and standing order 71(2) of the Senate Standing Orders, you are hereby invited to appear before the Committees for

the approval hearing on **Thursday, 28th March, 2019**, at the Mini-Chamber, County Hall Building, at 10.00 a.m.

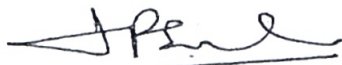
You are requested to bring your original identity card, academic certificates and professional certificates and other relevant testimonials. In addition, you are requested to bring letters/certificates of clearance / compliance from the following-

- (a) The Ethics and Anti-Corruption Commission;
- (b) Kenya Revenue Authority
- (c) Higher Education Loans Board;
- (d) Directorate of Criminal Investigations; and
- (e) Any Credit Reference Bureau.

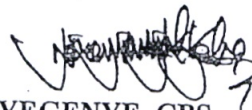
Further, attached is a questionnaire/ schedule extracted from the Public Appointments (Parliamentary Approval) Act, 2011, which you are required to fill and present to the Committees on the day of the approval hearing.

Ms. Rose Mudibo (mobile no. 0717 442 440) and Mr. Adan Keinan (mobile no. 0720 452 342) are the Clerks to the Committees, and shall be responsible for further liaison on the matter.

Yours truly,



**MICHAEL R. SIALAI, EBS,
CLERK OF NATIONAL
ASSEMBLY.**



**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.**



PARLIAMENT OF KENYA

In the Matter of approval by Parliament of person nominated for appointment to the position of Inspector General, National Police Service

Article 245(2) of the Constitution provides that, "*the Inspector-General is appointed by the President with the approval of Parliament*". Pursuant to the provisions of the said Article, Section 12 (2) of the National Police Service Act, and section 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), His Excellency the President has nominated Mr. Hilary Nzioki Mutyambai for appointment to the position of **Inspector General, National Police Service**.

Following the receipt of the nomination from H.E. the President, the following two committees of Parliament are mandated to jointly vet, consider their suitability for appointment and submit their joint report to the respective Houses for approval:-

- (i) Departmental Committee on Administration and National Security of the National Assembly.
- (ii) Standing Committee on National Security and Foreign Relations of the Senate.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the said Committees now invites interested members of the public to submit any representations by written statement on oath (affidavit) with supporting evidence contesting the suitability of the said nominee for appointment to the office. The representations may be forwarded to, the Clerk of the National Assembly or Clerk of the Senate, P.O. Box 41842-00100, Nairobi; hand-delivered to the Offices of the Clerks, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke or cserjate@parliament.go.ke; to be received on or before Wednesday, 27th March, 2019 at 5.00 pm.

MICHAEL R. SIALAI, EBS
CLERK OF NATIONAL ASSEMBLY

JEREMIAH NYEGENYE, CBS
CLERK OF THE SENATE

21/03/2019
Nation Pg 8



PARLIAMENT OF KENYA

In the Matter of approval by Parliament of person nominated for appointment to the position of Inspector General, National Police Service

Pursuant to the provisions of Article 245(2) of the Constitution, Section 12 (2) of the National Police Service Act, and section 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), His Excellency the President has nominated Mr. Hilary Nzioki Mutyambai for appointment to the position of **Inspector General, National Police Service**.

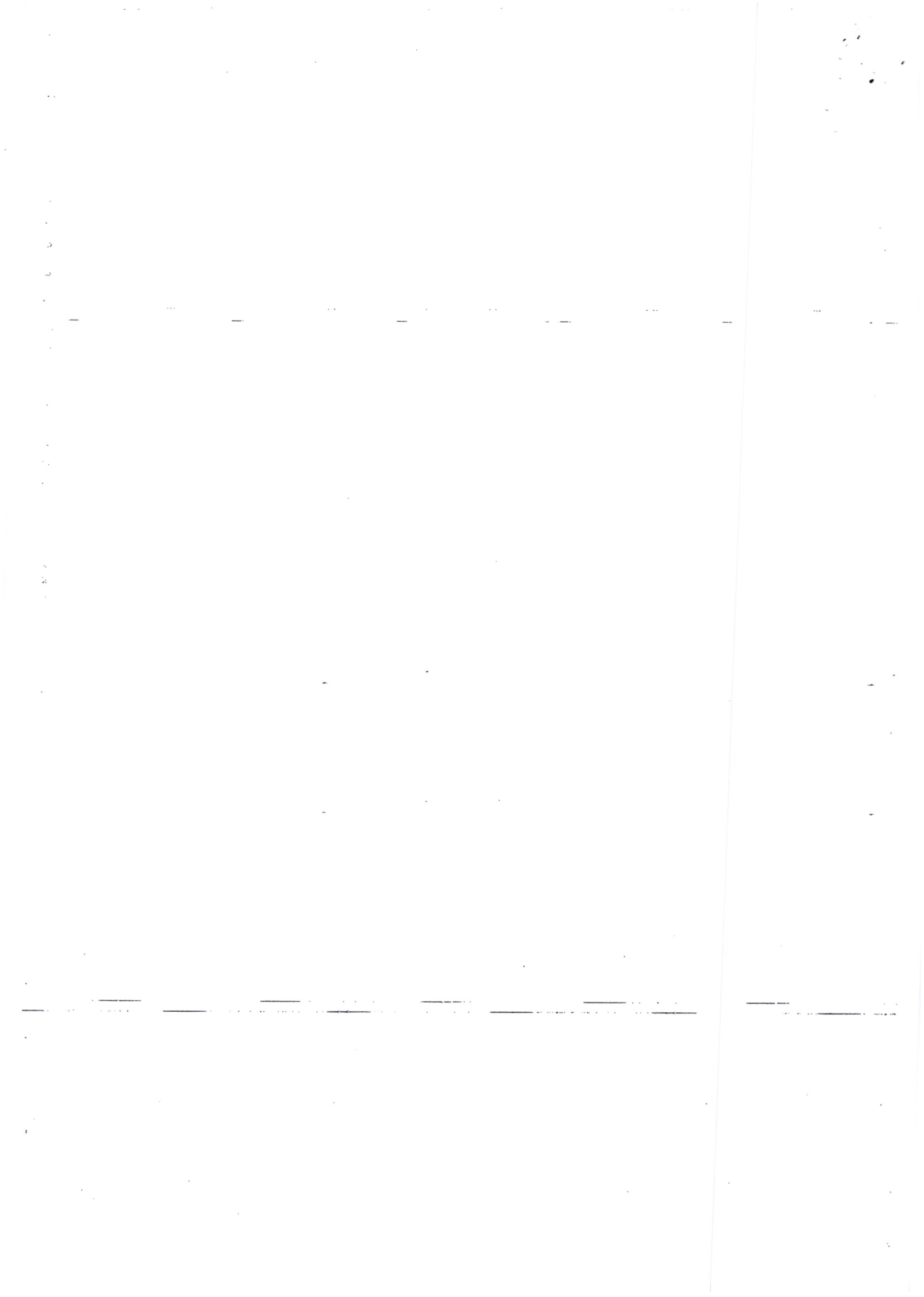
Pursuant to provisions of Article 118 of the Constitution, Section 6(4) of the Public Appointments ((Parliamentary Approval) Act (No. 33 of 2011), Parliament hereby informs the public that the Departmental Committee on Administration and National Security of the National Assembly and Standing Committee on National Security and Foreign Relations of the Senate, shall jointly conduct the vetting of the said nominee on Thursday 28th March, 2019 in the Mini-Chamber, First Floor, County Hall, Parliament Buildings at 10.00 am.

The nominee should bring originals of his Identity card, academic and professional certificates and other relevant testimonials. In addition, the nominee should bring letters/certificate of clearance/compliance from the following:-

1. Ethics and Anti- corruption Commission;
2. Kenya Revenue Authority;
3. Higher Education Loans Board;
4. Directorate of Criminal Investigations; and
5. Any Credit Reference Bureaus.

MICHAEL R. SIALAI, EBS
CLERK OF NATIONAL ASSEMBLY

JEREMIAH NYEGENYE, CBS
CLERK OF THE SENATE





PARLIAMENT OF KENYA

In the Matter of approval by Parliament of person nominated for appointment to the position of Inspector General, National Police Service

SUBMISSION OF MEMORANDA

Article 245(2) of the Constitution provides that, "the Inspector-General is appointed by the President with the approval of Parliament". Pursuant to the provisions of the said Article, Section 12 (2) of the National Police Service Act, and section 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), His Excellency the President has nominated Mr. Hilary Nzioki Mutyambai for appointment to the position of Inspector General, National Police Service.

Following the receipt of the nomination from H.E. the President, the following two committees of Parliament are mandated to jointly vet, consider their suitability for appointment and submit their joint report to the respective Houses for approval:-

- (i) Departmental Committee on Administration and National Security of the National Assembly.
- (ii) Standing Committee on National Security and Foreign Relations of the Senate.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the said Committees now invites interested members of the public to submit any representations by written statement on oath (affidavit) with supporting evidence contesting the suitability of the said nominee for appointment to the office. The representations may be forwarded to the Clerk of the National Assembly or Clerk of the Senate, P.O. Box 41842-00100, Nairobi; hand-delivered to the Offices of the Clerks; Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke or cSenate@parliament.go.ke; to be received on or before Wednesday, 27th March, 2019 at 5.00 pm.

MICHAEL R. SIALAI, EBS
CLERK OF NATIONAL ASSEMBLY

JEREMIAH NYEGENYE, CBS
CLERK OF THE SENATE

21/03/2019
Standard Pg 9



PARLIAMENT OF KENYA

In the Matter of approval by Parliament of person nominated for appointment to the position of Inspector General, National Police Service

NOTIFICATION FOR VETTING BY THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY OF THE NATIONAL ASSEMBLY AND THE STANDING COMMITTEE ON NATIONAL SECURITY & FOREIGN RELATIONS OF THE SENATE OF THE PERSON NOMINATED FOR APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL OF NATIONAL POLICE SERVICE

Pursuant to the provisions of Article 245(2) of the Constitution, Section 12 (2) of the National Police Service Act, and section 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), His Excellency the President has nominated Mr. Hilary Nzioki Mutyambai for appointment to the position of Inspector General, National Police Service.

Pursuant to provisions of Article 118 of the Constitution, Section 6(4) of the Public Appointments ((Parliamentary Approval) Act (No. 33 of 2011), Parliament hereby informs the public that the Departmental Committee on Administration and National Security of the National Assembly and Standing Committee on National Security and Foreign Relations of the Senate, shall jointly conduct the vetting of the said nominee on Thursday 28th March, 2019 in the Mini-Chamber, First Floor, County Hall, Parliament Buildings at 10.00 am.

The nominee should bring originals of his identity card, academic and professional certificates and other relevant testimonials. In addition, the nominee should bring letters/certificate of clearance/compliance from the following:-

1. Ethics and Anti- corruption Commission;
2. Kenya Revenue Authority;
3. Higher Education Loans Board;
4. Directorate of Criminal Investigations; and
5. Any Credit Reference Bureaus.

MICHAEL R. SIALAI, EBS
CLERK OF NATIONAL ASSEMBLY

JEREMIAH NYEGENYE, CBS
CLERK OF THE SENATE



REPUBLIC OF KENYA



TWELFTH PARLIAMENT-(THIRD SESSION)
THE SENATE
MESSAGES

MESSAGE FROM H.E. THE PRESIDENT
(No. 1 of 2019)

NOMINATION OF MR. HILARY NZIOKI MUTYAMBAI FOR APPOINTMENT TO THE
POSITION OF INSPECTOR GENERAL OF THE NATIONAL POLICE SERVICE

Honourable Senators,

Pursuant to the provisions of Standing Order 42(1) of the Senate, I wish to convey a Message from H.E. the President requesting Parliament to approve Mr. Hilary Nzioki Mutyambai for appointment as the Inspector-General of the National Police Service. In the Message, H.E. the President conveys that, in exercise of powers vested in him under Article 245(2)(a) of the Constitution and section 12(2) of the National Police Service Act, he nominates **Mr. Hilary Nzioki Mutyambai** for appointment to the position of the Inspector General of Police.

Honourable Senators, Article 245(2)(a) of the Constitution states-

"The Inspector-General is appointed by the President with the Approval of Parliament."

Further, section 12 of the National Police Service Act (No. 11A of 2011) as amended by section 11 of the National Police Service (Amendment) Act, 2014 and further amendment by section 86 of the Security Laws (Amendment) Act, 2014 states, and I quote:

"12(1) Pursuant to Article 245(2)(a) of the Constitution, the Inspector-General of the Service shall be appointed by the President with the approval of Parliament."

(2) The President shall, within fourteen days after a vacancy occurs in the office of the Inspector-General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament"

Honourable Senators,

Section 8 (1) of the Public Appointments Parliamentary Approval Act, 2011 states-

"Unless otherwise provided in any law, a Committee shall consider a nomination and Table its Report in the relevant House for debate and decision within 14 days from the date on which the notification of the nomination was given in accordance with Section 5".

Section 9 of the Act further states-

"If after the expiry of the period for consideration specified in Section 8, Parliament has neither approved nor rejected nomination of a candidate, the candidate shall be deemed to have been approved".

Honourable Senators,

This not being the first time Parliament is being requested to approve a nominee to the office of the Inspector General of the National Police Service, the matter will be considered by the relevant committees in the Senate and in the National Assembly.

This Message therefore, together with the résumé of the nominee stands committed to the Standing Committee on National Security, Defence and Foreign Relations of the Senate, sitting jointly with the Departmental Committee on Administration and National Security of the National Assembly.

The Committees are urged to move with speed putting to perspective the given time lines. The Committees should Table the joint Report on or before Tuesday, 2nd April, 2019 to enable the Houses of Parliament to dispose of the matter.

I thank you.

SEN. KENNETH M. LUSAKA, EGH, MP
SPEAKER OF THE SENATE

19.03.2019



3

REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (THIRD SESSION)

THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE FROM THE PRESIDENT

(No. 4 of 2019)

**ON NOMINATION OF A PERSON FOR APPOINTMENT AS THE
INSPECTOR-GENERAL OF THE NATIONAL POLICE SERVICE**

Honourable Members,

Pursuant to the provisions of Standing Order No. 42 of the National Assembly Standing Orders, I wish to convey the following Message from His Excellency the President regarding nomination of a person for appointment as the Inspector - General of the National Police Service. The Message states that, in the exercise of the powers conferred on him by Article 245(2)(a) of the Constitution and section 12(2) of the National Police Service Act, 2011, His Excellency the President nominates **Mr. Hilary Nzioki Mutyambai** for appointment as the Inspector-General of the National Police Service.

Honourable Members, Article 245 (2) (a) of the Constitution states and I quote:-

"The Inspector-General is appointed by the President with the approval of Parliament".

Further, section 12(2) of the National Police Service Act, 2011 as amended by section 11 of the National Police Service (Amendment) Act, 2014 and further as amended by Security Laws (Amendment) Act, 2014 reads, and I quote:-

"12(1) pursuant to Article 245(2) (a) of the Constitution, the Inspector-General of the Service shall be appointed by the President with the approval of Parliament.

(2) The President shall, within fourteen days after a vacancy occurs in the office of the Inspector-General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament"

Honourable Members, In order for Parliament to effectively conduct the vetting process, the Speaker of the Senate and I have consulted on the most judicious manner of facilitating Parliament to discharge this important task. In the interest of time and resources, the requirements of the Public Appointments (Parliamentary Approval) Act, 2011, the Standing Orders of both Houses and the practices of Parliament, we have agreed as follows:-

- (i) **THAT**, the vetting of the nominee for appointment as Inspector -General of Police shall be conducted jointly by the Committees of the two Houses mandated to deal with matters of national security. The vetting process will therefore be jointly conducted by the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National Security, Defiance and Foreign Relations of the Senate;
- (ii) **THAT**, the Chairpersons of the two respective committees will Co-Chair the joint sittings and the Secretariat will comprise officers of the two Houses;
- (iii) **THAT**, the quorum of the joint sittings will be the respective quorums of each of the committees as stipulated by the respective Standing Orders;
- (iv) **THAT**, as contemplated under rule 9(6) of the Joint Rules, unless a decision is reached by the consensus, any vote to be taken in the joint sitting of the committees shall be by separate Houses. This will ensure that ~~the numerical difference of the individual members representing the~~ Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees; and,
- (v) **THAT**, the Committees shall, having conducted the vetting hearings, submit a Joint Report to the respective Houses in the manner contemplated by paragraph (7) of Joint Rule 9.

Honourable Members, section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 states, and I quote-

"Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of the nomination was given in accordance with section 5".

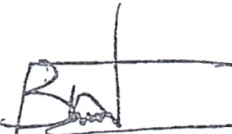
Further, section 9 of the said law states that-

"If after the expiry of the period for consideration specified in section 8, Parliament has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved."

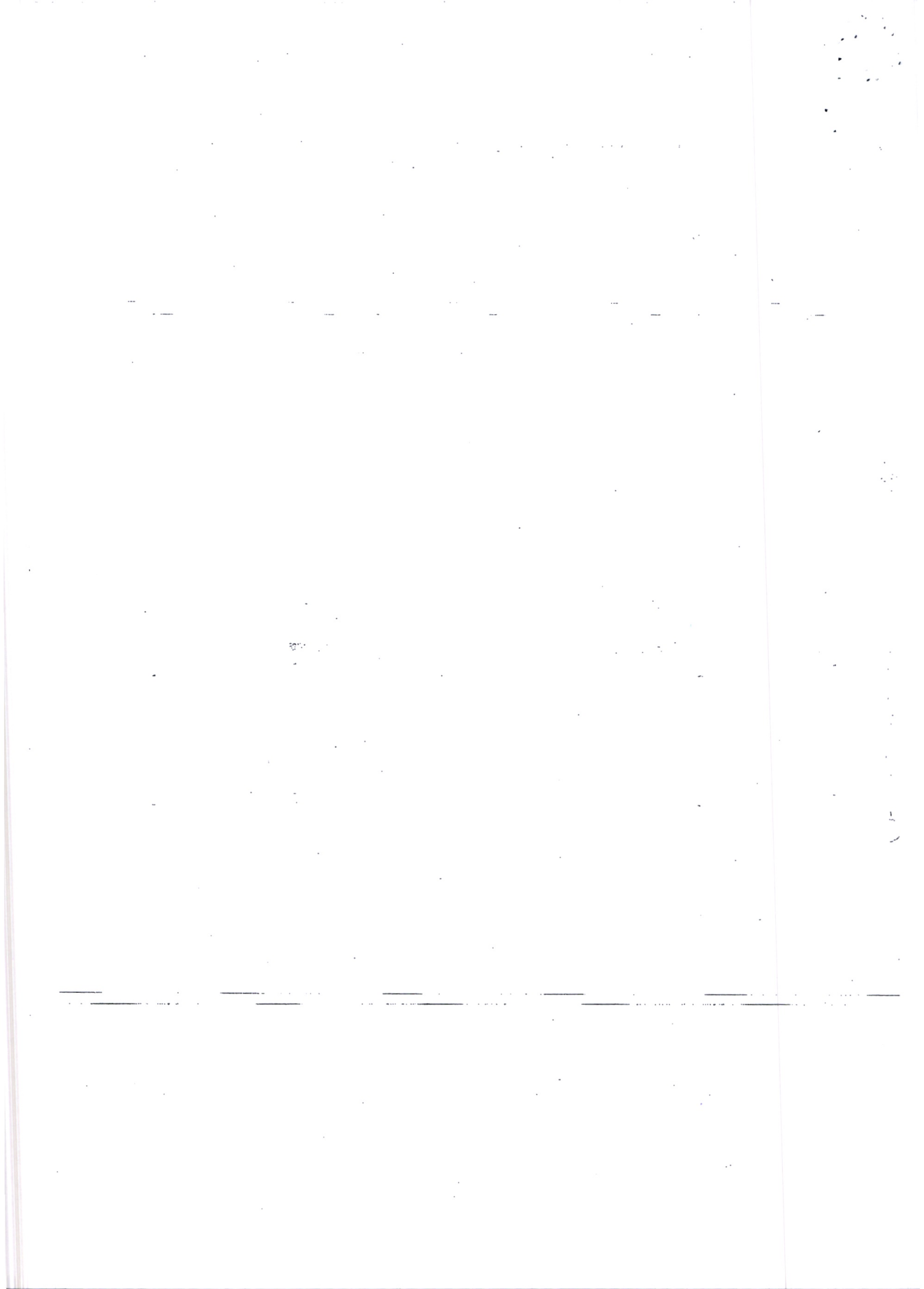
Honourable Members, In order to facilitate the commencement of the deliberations, the counting of time with respect to the fourteen days will commence when the public is notified in the usual manner, preferably on or before Thursday, March 21st, 2019. It is also advisable that the concerned Committees expeditiously commence the process of the consideration of approval of the nominee to enable speedy conclusion within the set timelines. The Joint Committees should, having undertaken the necessary approval hearings, table their report in the Houses by Tuesday, April 2nd, 2019. Considering that the House is scheduled to proceed on short a recess on Thursday, March 28, 2019, the period set by the law for approval hearings will lapse while the House is on recess. I will be asking the House Business Committee to propose a way forward with respect to the calendar of the House to ensure that the process is concluded within the statutory timelines.

Honourable Members, This Message therefore, together with the resume of the nominee, stands committed to the Departmental Committee on Administration and National Security of the National Assembly sitting jointly with the Standing Committee on National Security, Defence and Foreign Relations of the Senate for consideration.

I thank you!


THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, March 19, 2019



154
THE SENATE
RECEIVED
19 MAR 2019
DEPUTY CLERK



VERY URGENT

THE PRESIDENCY
EXECUTIVE OFFICE OF THE PRESIDENT
HEAD OF THE PUBLIC SERVICE

Telegraphic Address
Telephone: +254-20-2227436
When replying please quote

STATE HOUSE
P.O. Box 40530-00100
Nairobi, Kenya

18 MAR 2019

Ref. No. **OP/CAB.1/40A**
and date

15th March, 2019 20.....

Hon. Justin B. Muturi, EGH, MP
Speaker
The National Assembly
Parliament Building
NAIROBI

Sen. Kenneth M. Lusaka, EGH, MP
Speaker of the Senate
Parliament Building
NAIROBI

② DCom
DC
① DC (EG)
For the relevant
Committee. Urgent.
0000
18/03/19
Kindly urgently
bring to the attention of
the Committee and prepare
the necessary documentation.
Ef 19/03/19

Dear

**RE: NOMINEE FOR APPOINTMENT TO THE POSITION OF INSPECTOR
GENERAL, NATIONAL POLICE SERVICE**

We refer to the above subject matter.

You are hereby notified that His Excellency Hon. Uhuru Kenyatta, C.G.H, President and Commander in-Chief of the Kenya Defence Forces, in exercise of the powers conferred on him by Article 245 (2) (a) of the Constitution, and in compliance with the procedure set out under Section 12 (2) of the National Police Service Act, has nominated **MR. HILARY NZIOKI MUTYAMBAI** for appointment as the Inspector General of the National Police Service.

Accordingly, I herewith convey to Parliament His Excellency's nomination; for Parliamentary Consideration, Vetting and Approval. In order to aid the August House in its consideration, vetting and approval processes; we enclose herewith the Nominees Curriculum Vitae and Testimonials.

Cognizant of the vital role played by the National Police Service as the Country's leading Law Enforcement Agency as well as its role as a key National Security Organ; it is our

③ C.A.I - NSD & f/Relation
Please bring to the attention of the Committee
re. Adm. arrangements as per (2) above

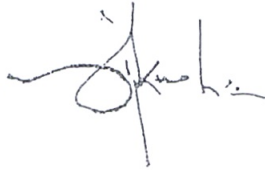
request that Parliament prioritizes the consideration, vetting and approval of the Nominee.

Yours

JOSEPH K. KINYUA, EGH
HEAD OF THE PUBLIC SERVICE

Copy to:- Michael Sialai, CBS
Clerk of the National Assembly
The National Assembly
Parliament Building
NAIROBI

Mr. J. M. Nyegenye, CBS
The Clerk, Senate
Parliament Building
NAIROBI



**HILLARY NZIOKI
MUTYAMBAI**

Deputy Director Counter Terrorism
National Intelligence Service



Table of Content

Personal Data

Professional Statement

Competencies and Skills

Educational Background

Professional Seminars & Workshops Attended

Professional Background

Key Milestones of Service within the Kenya Police Force

Professional Achievements

References

PERSONAL DATA

Name: Hillary Nzioki Mutyambai
Date of birth: 24th September 1964
Place of birth: Nairobi, Kenya
Nationality: Kenyan
Marital status: Married

PROFESSIONAL STATEMENT

I am an accomplished professional in the areas of Criminal Investigation, Security, and Law enforcement. Key areas of expertise include organized crime, counter terrorism, transnational crimes, creation and coordination of multi-agency investigative teams, resource allocations to aid efficient and effective security operations. More than 28 years of investigative and law enforcement experiences. Proven ability to create and direct security and investigate programs. Competent in staff profiling, training and supervision of personnel running programs and familiar with Policy formulation, budgetary management, security programs reviews and public relations skills. Proven diplomat with ability to create liaisons with multiple stakeholders within the criminal justice and development partners network. Excellent presentation and communication skills that have been deployed in critical moments with great success including in the midst of security operations. Able to think clearly during times of complex operational activity and also operate within a team or autonomously achieving excellent results. A Mentor who enjoys supporting others, demonstrating a lead-by-example approach while coordinating teams to ensure unity of purpose.

COMPETENCIES & SKILLS

- Analytical Capabilities
- Management and coordination of operations.
- Intelligence support in security operations.
- Facilitation and training coordination.
- Change Management Processes
- Budgetary Process Management
- Proven track record of reliability and trustworthiness.
- Professional attitude and demonstrated emotional control in extreme circumstances.
- Polite, approachable demeanor in addition to firm and authoritative.
- Team leadership and development
- National and Regional security threat and mitigation analysis
- Terror and criminal networks link analysis
- Conflict Management and Resolution
- Presenting intelligence reports
- Staff leadership and development
- Public relations skills
- Excellent Verbal and report writing skills
- Ability to synthesize and operationalize complex security matters
- Sound working knowledge of the National Security Framework.



EDUCATIONAL BACKGROUND

2013 - 2014 Australian National University, Master of Arts in National Security Policy
1987 - 1990 University of Nairobi, Bachelor of Science in Agriculture
1984 - 1985 Kericho High School - Kenya Advanced Certificate of Education
1980 - 1983 Pope Paul VI Junior Seminar, Machakos - Kenya Certificate of Education
1974 - 1979 Kithangaini Primary School, Machakos.
1970 - 1974 St. Paul Primary School, Athi River.

PROFESSIONAL COURSES ATTENDED

Management Courses

2012 Leadership Seminar, Counterterrorism Training Group, New Orleans, Louisiana, United States of America.
2010 Performance Management Systems Course, Kenya Institute of Administration.
2009 Senior Management Course No.152/2009, Kenya Institute of Administration.
2007 Operational Management Course, United Kingdom.
1997 Police Higher Training Course.
1992-1993 Special Inspectorate Course.
1991 Recruit Course Police Training, Kiganjo.

Technical Security Courses

2012 Professional Development Program in Policing, Intelligence and Counter Terrorism.
1998 Training in Analysis in United States of America.
1997 Detection and Prevention of Frauds and Forgeries Course, Kenya School of Monetary Studies.

PROFESSIONAL BACKGROUND

July 2018 - Present Deputy Director, Counter Terrorism Centre, National Intelligence Service.

- Advising the Director General on matters of Counter terrorism and emerging threats globally and nationally.
- Providing intelligence to the National Police Service to aid it in meeting its constitutional mandate of protecting life and property.
- Collaborating with joint operation teams in investigating and analyzing counter terrorism cases for prosecution.
- Coordinating Budget processes at the Centre.
- Worked closely with the office of the Director of Public Prosecutions, in prosecuting terrorism cases.
- Assisting the Director in counter terrorism operations.

January - July 2018 Regional Intelligence Coordinator, Nairobi County

- Working in both a strategic and operational capacity for Intelligence deployments that included joint operations with the Multi-Agency team.
- Coordinating with other security agency teams for security operations.
- Imparting leadership skills, values of integrity to the county intelligence teams within the region.
- Prevention of urban crime specifically with the organized groups and criminal gangs.
- Collaborating with key stakeholders to design and adapt security risk assessment models.

2015 - 2018 Regional Intelligence Coordinator, Coast Region

- Instrumental in implementing Operations by coordinating cooperation between the Multi Agency Team.
- Prevention of Organized crime and militant terror groups through the Multi-agency cooperation.
- Worked closely with the National Police Service to utilize specialized knowledge and analytical strategies to understand and access threats from across the borders and homegrown terrorist and criminal activity.
- Expanded Threat Intelligence Management programs to increase indicator development and enrichment of efficiency.
- Coordinating intelligence collection, operations and counter-terrorism investigation within the region.
- Provided situation briefings to Multi-Agency stakeholders.
- Worked closely within the Multi-Agency team of intelligence and risk analysts to identify criminal motivations, intent and patterns of operations.

February - June 2016 County Intelligence Coordinator

- Appointed County Intelligence Coordinator- Mombasa

2008 - 2012 Special Operations

- Investigator on terrorism and organized crime threats.
- Liaised with the Kenya Police for Prosecutions.
- Collaborated with key stakeholders in the criminal justice system locally and internationally.

2010 National Intelligence Service (NIS)

- Transited to the newly formed National Intelligence Service (NIS) in accordance with the Kenyan Constitution 2010.

2000 - 2008 Foreign Affairs External Deployment in Uganda

- Worked closely with the Uganda Security agencies through the Kenyan High Commission to coordinate security along the common border, for example the prevention of organized crime and cattle rustling across the borders.
- Carried out diplomatic duties in Kenyan High Commission in Uganda as a Second Secretary.
- Coordinating external Intelligence collection back at the Headquarters.

1999 National Security Intelligence Service (NSIS)

- Joined the newly created National Security Intelligence Service after a competitive process.



1993- 1998 Directorate of Security Intelligence (DSI)

- Nairobi Province as a Field Officer.
- Desk Officer at Headquarters.

1992 Kenya Police Service

- Deployed at the Kenya Railways and Ports Police as a Constable based in Nairobi.

KEY MILESTONES OF SERVICE WITHIN THE KENYA POLICE FORCE

1998 Appointment as Superintendent of Police

1995 Chief Inspector of Police

1993 Appointment as Inspector of Police

1991 Police Constable

1990 Teacher at Pope Paul VI Junior Seminary School

- Taught Biology, Maths and Physics

PROFESSIONAL ACHIEVEMENTS

- Setting up of Key Administrative and Operational Systems for security operations.
- Setting up of Ethics and Integrity Standards.
- Deploying effective diplomacy to enhance regional cooperation.
- Spearheading Change Management in key portfolios.
- Setting up of Security Command Centers.

REFERENCES

1. Maj-Gen (Rtd) Philip W Kameru MGH ndc(K)

Director General

National Intelligence Service

P.O Box 30091-00100 Nairobi, Kenya.

Tel: + 254 203 299 000

2. George Kinoti CBS

Director of Criminal Investigations

P.O Box 30036- 00100

Nairobi, Kenya

Tel: + 254 203 343 312

3. Michael L'Estrange

Fmr. Head of Department of National Security College

Australia National University, Canberra

Tel: +61 3 9283 333

4. Nelson Marwa - EBS

Principal Secretary,

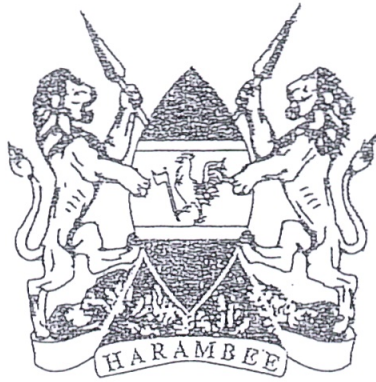
State Department of Social Protection

Ministry of Labor and Social Protection

P.O Box 40326- 00100

Nairobi, Kenya.

Tel: +254 20 272 6497



THE REPUBLIC OF KENYA

LAWS OF KENYA

PUBLIC APPOINTMENTS(PARLIAMENTARY APPROVAL) ACT

CHAPTER 136

2019.
1991
28

Revised Edition 2014 [2012]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org



CHAPTER 136

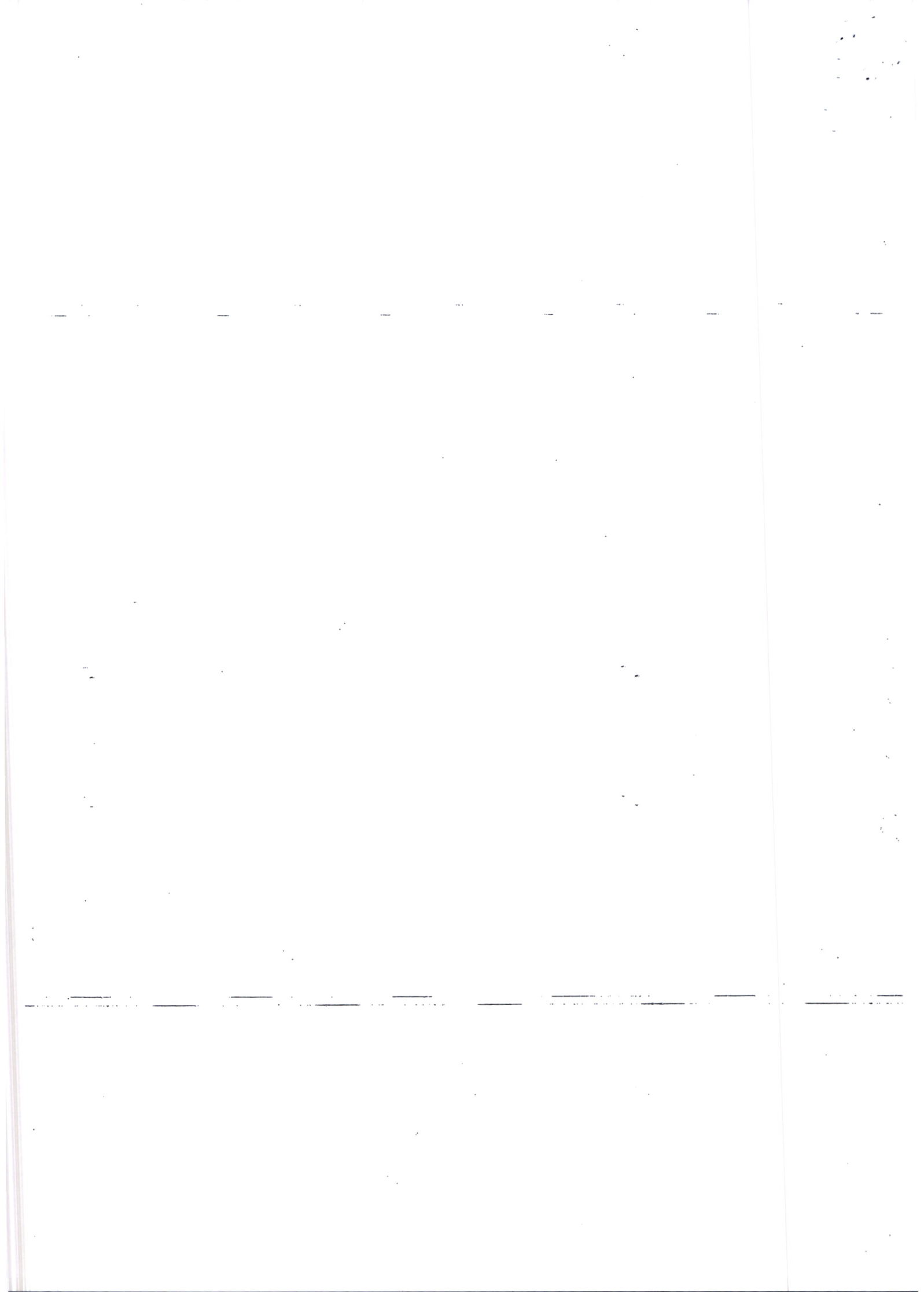
PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT
ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Exercise of powers of appointment.
4. Notification of vetting requirements.
5. Notification of nomination.
6. Approval hearing.
7. Issues for consideration.
8. Period for consideration and report.
9. Failure of Parliament to act on nomination.
10. Rejection of nomination.
11. Notification of decision.
12. Powers of the committee.
13. Extension of time.

SCHEDULE

CRITERIA FOR VETTING/APPROVAL OF NOMINEES FOR
APPOINTMENT TO PUBLIC OFFICE BY PARLIAMENT



CHAPTER 136

PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT

[Date of assent: 11th November, 2011.]

[Date of commencement: 14th November, 2011.]

An Act of the Parliament to provide for procedures for parliamentary approval of constitutional and statutory appointments and for connected purposes

[Act No. 33 of 2011, Act No. 18 of 2014, Sch.]

1. Short title.

This Act may be cited as the Public Appointments (Parliamentary Approval) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“appointing authority” means any person who, under the Constitution or any other law, is required to make an appointment for which the approval of Parliament is required;

“appointment” includes any re-appointment to the same body, whether or not in the same capacity;

“candidate” means a person who has been proposed or nominated for appointment to a public office;

“Clerk” means the Clerk of the relevant House of Parliament; and

“Committee” means the relevant committee of Parliament or such other Committee as the Speaker may, for good reasons, direct.

3. Exercise of powers of appointment

An appointment under the Constitution or any other law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act.

4. Notification of vetting requirements

Any advertisement inviting applications for nomination for appointment to an office to which this Act applies shall indicate that candidates so nominated shall be required to appear before a committee of Parliament for vetting.

5. Notification of nomination

(1) An appointing authority shall, upon nominating a person for an appointment to which this Act applies, notify the relevant House of Parliament accordingly.

(2) A notification under subsection (1) shall be—

- (a) in writing;
- (b) be lodged with the Clerk of the relevant House of Parliament.

(3) A notification of appointment shall be accompanied by information concerning the nominee, having regard to the issues mentioned in section 7.

(4) For purposes of this Act, a notification of nomination shall be deemed to be duly given on the day on which it complies fully with subsections (2) and (3).

6. Approval hearing

(1) Upon receipt of a notification of appointment, the Clerk shall invite the Committee to hold an approval hearing.

(2) The Committee shall determine the time and place for the holding of the approval hearing and shall inform the Clerk.

(3) The Clerk shall notify a candidate of the time and place for the holding of an approval hearing.

(4) The Committee shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.

(5) Subject to this Act, all Committee proceedings on public appointments shall be open and transparent.

(6) Despite subsection (5), a Committee may, on its own motion or on the application of a candidate or any other concerned person, determine that the whole or part of its sittings shall be held in camera.

(7) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

(8) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.

(9) Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

(10) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall thereupon lapse.

7. Issues for consideration

The issues for consideration by the relevant House of Parliament in relation to any nomination shall be—

- (a) the procedure used to arrive at the nominee;
- (b) any constitutional or statutory requirements relating to the office in question; and
- (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

8. Period for consideration and report

(1) Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of nomination was given in accordance with section 5.

(2) At the conclusion of an approval hearing, the Committee shall prepare its report on the suitability of the candidate to be appointed to the office to which the candidate has been nominated, and shall include in the report, such recommendations as the Committee may consider necessary.

9. Failure of Parliament to act on nomination

If, after expiry of the period for consideration specified in section 8, Parliament has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved.

10. Rejection of nomination

Where the nomination of a candidate is rejected by Parliament, the appointing authority may submit to the relevant House the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.

11. Notification of decision

The Clerk shall notify the appointing authority of the decision of the relevant House of Parliament within seven days of the decision.

12. Powers of the committee

(1) The committee shall have power to summon any person to appear before it for the purpose of giving evidence or providing information during approval hearing.

(2) For purposes of subsection (1), the committee shall have the same powers as the High Court to—

- (a) enforce the attendance of witnesses and examine them on oath, affirmation or otherwise;
- (b) compel the production of documents; and
- (c) issue a commission or request to examine witnesses abroad.

(3) Any person who—

- (a) disobeys any order made by a committee for attendance or for production of papers, books, documents or records; or
- (b) refuses to be examined before, or to answer any lawful and relevant question put by, a committee,

commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

13. Extension of time.

(1) Despite the provision of this Act or any other written law, where a time is prescribed for doing an act or taking a proceeding by the National Assembly relating to a public appointment, the National Assembly may, by resolution, extend that time by a period not exceeding fourteen days.

(2) Where an extension of time is granted under subsection (1), the doing of all other acts consequential thereto shall be deemed to have been extended accordingly.

(3) The power of the National Assembly contemplated under subsection (1), may be exercised —

- (a) only once in a session of the National Assembly in respect of a particular matter; and
- (b) only in exceptional circumstances to be certified by the Speaker.

[Act No. 18 of 2014, Sch.]

SCHEDULE

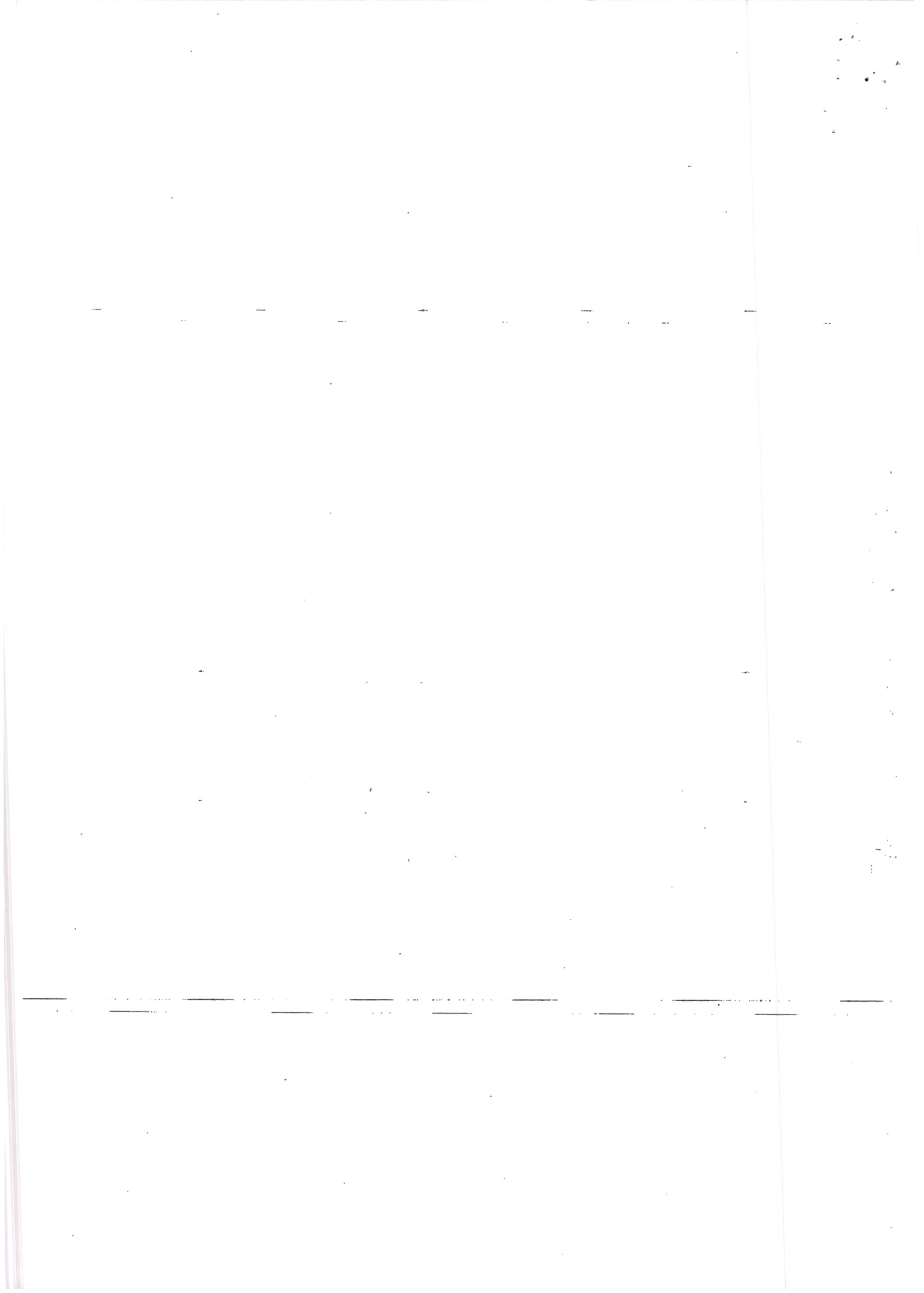
[Section 6(8).]

CRITERIA FOR VETTING/APPROVAL OF NOMINEES FOR
APPOINTMENT TO PUBLIC OFFICE BY PARLIAMENT QUESTIONNAIRE

Notes:

- (a) This questionnaire applies to appointments to public office arising by or under the Constitution or any other law where parliamentary approval is required.
- (b) The questionnaire shall be used by the relevant parliamentary committee to vet a nominee appearing before the committee in the process of parliamentary approval.
- (c) The questionnaire shall be filled and submitted by the nominee to the relevant parliamentary committee through the Clerk of the relevant House of Parliament on or before a date set by the committee.
- (d) The submission of false information in the questionnaire is an offence and may result in prosecution.
- (e) Any form of canvassing by a nominee shall lead to disqualification.
- (f) The nominee must answer all the questions.

- 1. Name: (State full name).
 - 2. Position: (State office to which you have been nominated).
 - 3. Sex:
 - 4. Date of Birth: (State year and place of birth).
 - 5. Marital Status:
 - 6. Daytime phone number:
 - 7. Mobile phone number:
 - 8. Email Address: .
 - 9. ID Number:
 - 10. PIN Number:
 - 11. Nationality:
 - 12. Postal Address:
 - 13. Town/City:
 - 14. Knowledge of Languages: (Specify Languages).
 - 15. Education: (List in reverse chronological order, each university, college, or any other institution of higher education attended and indicate, in respect of each, the dates of attendance, academic award obtained, whether a degree was awarded, and the dates on which each such degree was awarded).
- Employment Record: (List in reverse chronological order all government agencies, business or professional corporations, companies, firms or other enterprises with which you have been affiliated as an officer, director, partner, proprietor, employee or consultant).



- [Home](#)
- [Laws of Kenya](#)
 - [The Constitution of Kenya](#)
 - [Laws of Kenya Database](#)
 - [Table of Contents of the Laws of Kenya](#)
 - [Recent Legislation](#)
 - [Legal Notices](#)
 - [Amendment Acts](#)
 - [Bills](#)
 - [County Legislation](#)
 - [Treaties Database](#)
 - [EAC Legislation](#)
 - [Repealed Legislation](#)
 - [Laws on Devolution](#)
 - [Practice Notes](#)
 - [FAQ's](#)
- [Case Search](#)
- [Tribunals](#)
- [Parliament](#)
 - [Search Handsard Archive](#)
 - [Press Release](#)
 - [Bills](#)
- [Cause List](#)
 - [Supreme Court](#)
 - [Court of Appeal](#)
 - [High Court of Kenya](#)
 - [Employment and Labour Relations Court](#)
 - [Environment and Land Court](#)
 - [Chief Magistrates Court](#)
 - [Kadhis' Court](#)
 - [Licensed Process Servers](#)
- [Kenya Gazette](#)
 - [Kenya Gazette Online Archive](#)
 - [Kenya Gazette Selected Notices](#)
- [Publications](#)
 - [Bench Bulletin](#)
 - [Annual Reports](#)
 - [Newsletter](#)
 - [Kenya Law Journal](#)
 - [Law Related Articles](#)
 - [Newsletter Archives](#)
 - [Newsletter Subscription](#)
- [Blog](#)
- [Election Petitions](#)

Point in Time--

2017-05-04 ▼

Act No: No. 11A of 2011

Act Title: NATIONAL POLICE SERVICE

An Act of Parliament to give effect to Articles 243, 244 and 245 of the Constitution; to provide for the operations of the National Police Service; and for connected purposes

Subsidiary Legislation

[Act No. 11A of 2011, Corr. No. 69/2012, Act No. 11 of 2014, Act No. 19 of 2014, Act No. 25 of 2015, Act No. 11 of 2017.]

[*Date of commencement: 30th August, 2011.*]

[*Date of assent: 27th August, 2011.*]

Arrangement of Sections

- PART I – PRELIMINARY
- PART II – COMPOSITION, FUNCTIONS AND POWERS OF THE SERVICE
- PART III – CONSTITUTION, ADMINISTRATION, FUNCTIONS AND POWERS OF THE KENYA POLICE SERVICE
- PART IV – CONSTITUTION, ADMINISTRATION, POWERS AND FUNCTIONS OF THE ADMINISTRATION POLICE SERVICE
- PART V – THE DIRECTORATE OF

PART I – PRELIMINARY

1. Short title

This Act may be cited as the National Police Service Act.

2. Interpretation

(1) In this Act unless the context otherwise provides—

“**administration police officer**” means an officer appointed to serve as a police officer in the Administration Police Service;

“**Administration Police Service**” means the Service established under Article 243 (2)(b) of the Constitution;

“**area**” includes a geographical area, village, residential estate, location, ward or community of interest as may be identified by the County Policing Authority for the purposes of community policing;

“**arms**” includes any means to use force and includes firearms;

“**arrest**” means the act of apprehending a person for suspected commission of an offence or by the action of legal authority;

“**Authority**” means the County Policing Authority established under section 41;

- CRIMINAL INVESTIGATIONS
- PART VI – COUNTY POLICING AUTHORITIES
- PART VII – GENERAL FUNCTIONS, POWERS, OBLIGATIONS AND RIGHTS OF POLICE OFFICERS IN THE SERVICE
- PART VIII – RECRUITMENT, ENLISTMENT AND TRAINING OF POLICE OFFICERS
- PART IX – POLICE SERVICE ASSOCIATIONS
- PART X – OFFENCES AGAINST DISCIPLINE BY POLICE OFFICERS
- PART XI – COMMUNITY POLICING FORUMS AND COMMITTEES
- PART XII – OFFENCES GENERALLY
- PART XIII – PROVISION FOR ADDITIONAL OFFICERS
- PART XIV – RECIPROCAL ARRANGEMENTS WITH RECIPROCATING COUNTRIES
- PART XV – THE NATIONAL POLICE RESERVE
- PART XVI – FINANCIAL PROVISIONS
- PART XVII – MISCELLANEOUS PROVISIONS
- PART XVIII – REPEALS AND

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to the Service;

“Commission” means the National Police Service Commission established by Article 246 of the Constitution;

“community policing committee” means a committee elected by a community policing forum in accordance with section 98(4) for the purposes of co-ordinating, leading and representing the forum;

“community policing” means the approach to policing that recognizes voluntary participation of the local community in the maintenance of peace and which recognizes that the police need to be responsive to the communities and their needs, its key element being joint problem identification and problem solving, while respecting the different responsibilities the police and the public have in the field of crime prevention and maintaining order;

“cruel, inhuman and degrading treatment or punishment” means a deliberate and aggravated treatment or punishment not amounting to torture, inflicted by a person in authority or the agent of the person in authority against a person under his custody, causing suffering, gross humiliation or debasement to the person;

“Deputy Inspector-General” means the Deputy Inspector-General appointed in accordance with Article 245(3) of the Constitution;

“Directorate” means Directorate of Criminal Investigations established under section 28;

“firearms” has the same meaning as defined under the Firearms Act;

“Gazetted officer” means a police officer holding the rank of a Inspector and above;

“Inspector-General” means the holder of the office of the Inspector-General appointed in accordance with Article 245 (2)(a) of the Constitution and this Act;

“Kenya police officer” means an officer appointed to serve as a police officer in the Kenya Police Service;

“Kenya Police Service” means the Service established under Article 243 (2)(a) of the Constitution;

“member of the Service” includes civilian members of staff of the Service.

“National Security Council” means the Council established under the National Security Council Act;

“police officer” means an Administration Police officer or a Kenya Police Officer, and includes officers of the Directorate of Criminal

SAVINGS

- ...
- SECOND SCHEDULE [Sections 25.]
- THIRD SCHEDULE [Section 12, 13(7).]
- FOURTH SCHEDULE [Section 19.]
- FIFTH SCHEDULE [Section 59(2).]
- SIXTH SCHEDULE
- SEVENTH SCHEDULE [Section 84(2).]
- EIGHTH SCHEDULE
- Subsidiary Legislation

Investigations and reservists;

“police premises” means any location where police hold office or from where they carry out their duties, including police stations, posts and camps;

“police station” means a place designated by the Inspector-General, as a police station under section 40;

“Reserve” means the National Police Reserve referred to in section 110;

“Service” means the National Police Service established in article 243 of the Constitution;

“Service Board” means the Service Board established under section 21;

“torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes of—

- (i) obtaining information or a confession from the person or from a third person;
- (ii) punishing the person for an act which that person or a third person has committed or is suspected of having committed;
- (iii) intimidating or coercing the person or a third person; or
- (iv) for any reason based on discrimination of any kind,

when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity:

Provided that torture does not include any pain or suffering arising from, inherent in or incidental to lawful sanctions.

- (2) Despite subsection (1), until after the first general elections under the Constitution, references in this Act to the expression “Cabinet Secretary” shall be construed to mean “Minister”.

[Act No. 11 of 2014, s. 3.]

3. Object of Act

The object of this Act is to give effect to the provisions of Articles 238, 239, 243, 247, 244 of the Constitution.

PART II – COMPOSITION, FUNCTIONS AND POWERS OF THE SERVICE

4. Composition of the Service

- (1) The National Police Service shall consist of such maximum number of officers as shall be determined from time to time by the National Security Council in consultation with the Commission.

- (2) The Service shall consist of the ranks set out in the First Schedule.
- (3) Police officers shall have seniority according to their position as set out in the First and Second Schedules.

[Act No. 11 of 2014, s. 4.]

5. Gender, ethnic and regional balance

The Service shall—

- (a) uphold the principle that not more than two-thirds of the appointments shall be of the same gender; and
- (b) reflect the regional and ethnic diversity of the people of Kenya.

[Act No. 11 of 2014, s. 5.]

6. Deployment of the Service

- (1) The Service shall be deployed in Kenya for the performance of the functions specified in the Constitution, this Act or any other law.
- (2) The National Security Council may, in case of an emergency, deploy the Service or any part thereof in the defence of Kenya.
- (3) For purposes of deploying the Service in case of an emergency under subsection (2), the procedure under Article 58 of the Constitution shall apply.

7. Members of the Service

- (1) All persons who were immediately before the commencement of this Act, officers or employees of the Kenya Police Force and the Administration Police Force, established under the Police Act (Cap. 84) and the Administration Police Act (Cap. 85) respectively, including officers working with the Criminal Investigations Department, shall upon commencement of this Act become members of the Service in accordance with the Constitution and this Act.
- (2) Notwithstanding subsection (1), all officers shall undergo vetting by the Commission to assess their suitability and competence.
- (3) The Commission shall discontinue the service of any police officer who fails in the vetting referred to under subsection (2).
- (4) ~~The Commission shall, in consultation with the Cabinet Secretary,~~ develop criteria and Regulations to guide the exercise of vetting of officers under subsection (1).

[Act No. 11 of 2014, s. 6.]

8. Command of the Service

- (1) The Service shall be under the overall and independent command of the

Inspector-General appointed in accordance with Article 245 of the Constitution and the provisions of this Act.

- (2) The Inspector-General may perform the functions or exercise the powers of the office in person or may delegate to an officer subordinate to him:
- (3) A delegation under this Act—
 - (a) shall be in writing;
 - (b) shall be subject to any conditions the Inspector-General may impose;
 - (c) shall not divest the Inspector-General of the responsibility concerning the exercise of the powers or the performance of the duty delegated, and
 - (d) may be withdrawn, and any decision made by the person so delegated may be withdrawn or amended by the Inspector-General.
- (4) The Inspector-General shall give direction in situations of conflict between the different mandates of the different Services and units within the Service.

[Act No. 11 of 2014, s. 7.]

8A. Inspector General to be responsible for matters relating to command and discipline of the service

- (1) Notwithstanding the provisions of any written law, independent command of the Inspector-General in relation to the Service envisioned in Article 245(2)(b) and section 8 of the Act, means that the Inspector-General shall be responsible for all matters relating to the command and discipline of the Service subject to disciplinary control of the Commission.
- (2) The Inspector-General shall exercise Command over the National Police Service and lawfully administer, control and manage the National Police Service as a disciplined Service.
- (3) The Deputy Inspector-General's of Kenya Police and Administration Police under the direction of the Inspector-General shall command, control and administer the service for which he or she is responsible.
- (4) The Inspector-General shall execute command by issuing lawful orders, directives or instructions to and through the Deputy Inspectors General.
- (5) The Cabinet Secretary may lawfully give a direction in writing to the Inspector-General with respect to any matter of policy for the National Police Service.

[Act No. 11 of 2014, s. 8.]

9. Appointment of the Inspector-General and the Deputy Inspectors-

Generals

The Inspector-General, the Deputy Inspector-General in charge of Kenya Police Service and the Deputy Inspector-General in charge of Administration Police Service, shall be appointed to office in accordance with Article 245 of the Constitution and sections 12 and 13 of this Act.

10. Functions and powers of the Inspector-General

(1) The functions of the Inspector-General shall be to—

- (a) implement policy decisions;
- (b) audit of police operations and functioning;
- (c) co-ordinate all police operations;
- (d) advise the Government on policing matters and services;
- (e) prepare budgetary estimates and develop a policing plan before the end of each financial year, setting out the priorities and objectives of the service and the justification thereof;
- (f) determine the establishment and maintenance of police stations, posts, outposts, units or unit bases in the county and determine the boundaries of the police stations, outposts or unit bases;
- (g) determine the distribution and deployment of officers in the Service in the rank of Superintendent and below;
- (ga) recommend to the Commission and the County Policing Authorities for the distribution and deployment of officers above the rank of Superintendent;
- (h) organize the Service at national level into various formations, units or components;
- (i) recommend the establishment of, manage and maintain training institutions, centers or places for the training of officers joining the service and other officers;
- (j) commission research and benchmark against best practices;
- (k) issue guidelines on community policing and ensure co-operation between the Service and the communities it serves in combating crime;
- (l) ~~provide the command structure and system of the Service~~ taking into consideration the recommendation of the Service Board for the efficient administration of the Service nationally;
- (m) subject to the Constitution and this Act. or any written law, co-operate with and implement the decisions of the Independent Policing Oversight Authority including compensation to victims of police misconduct;

- (n) designate any police station, post, outpost, unit or unit base as a place of custody;
 - (na) designate from among the county commanders in each county the most Senior Officer from either the Kenya Police Service or the Administration Police Service, who shall coordinate in consultation with the two Deputy Inspector-Generals, the operational command and control of the county, and the officer so designated shall, with respect to coordination, execute operational command and control in a manner that respects the command structure set out in Article 245(3) of the Constitution;
 - (o) promote co-operation with international police agencies;
 - (p) establish and devolve the services of the Internal Affairs Units that are able and equipped to conduct investigations into police misconduct in a fair and effective manner and report directly to the Inspector-General;
 - (q) monitor the implementation of policy, operations and directions of the Service;
 - (r) issue and document Service Standing Orders;
 - (s) cooperate with other public or private bodies to provide reliable police statistics on crime rates, detection rate, public confidence in the police, number of complaints against the police, as well as personnel statistics;
 - (t) act on the recommendations of the Independent Policing Oversight Authority, including compensation to victims of police misconduct; and
 - (u) perform any other lawful act on behalf of the Service.
- (2) The Service Standing Orders issued under subsection (1) shall—
- (a) be administrative orders;
 - (b) be for the general control, administration, good order, direction and information of the Service; and
 - (c) not be inconsistent with the Constitution, this Act or any written law.
- (3) The Service Standing Orders shall be made available to each serving police officer on enlistment and wherever possible, be accessible to the public.
- (4) In the performance of functions set out under the Constitution, this Act or any other law, the Inspector-General shall—
- (a) have all the necessary powers for the performance of such functions; and

- (b) uphold the national values, principles and objects set out in Articles 10, 232 and 244 of the Constitution.

[Act No. 11 of 2014, s. 9, Act No. 19 of 2014, s. 85, Act No. 25 of 2015, Sch.]

11. Qualifications for appointment of Inspector-General and Deputy Inspector-General

- (1) A person shall be qualified for appointment as Inspector-General if such person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has had a distinguished career in their respective fields;
- (d) meets the requirements of Chapter Six of the Constitution;
- (e) has served in a senior management position for at least fifteen years and has knowledge and experience in matters relating to any of the following disciplines—

- (i) criminal justice;
- (ii) policy development and implementation;
- (iii) finance and public administration;
- (iv) strategic management;
- (v) security;
- (vi) law;
- (vii) sociology; or
- (viii) Government.

- (2) A person is qualified for appointment as Deputy Inspector-General if the person—

- (a) is a Kenyan citizen;
- (b) holds a degree from a university recognized in Kenya or equivalent qualifications;
- (c) has had a distinguished career in their respective fields;
- (d) meets the requirements of Chapter Six of the Constitution;
- (e) has served the Police Service for at least fifteen years and has knowledge and experience in matters relating to any of the following disciplines—

- (i) criminal justice;
- (ii) policy development and implementation;
- (iii) finance and public administration;
- (iv) strategic management;
- (v) security;
- (vi) law;
- (vii) sociology; or
- (viii) Government;

(f) is a serving police officer of or above the rank of Assistant Inspector-General of Police;

(3) No person shall be qualified for appointment as Inspector-General or Deputy Inspector-General if the person—

- (a) is a member of Parliament or a county assembly, a Governor or Deputy Governor;
- (b) has served as a member of Parliament, county assembly, trade union or an office in a political party in Kenya in the preceding five years;
- (c) has previously been convicted of any criminal offence;
- (d) has violated the Constitution; or
- (e) is an undischarged bankrupt.

[Act No. 11 of 2014, s. 10.]

12. Procedure for appointment of the Inspector-General

- (1) Pursuant to Article 245 (2)(a) of the Constitution, the Inspector-General of the Service shall be appointed by the President with the approval of Parliament.
- (2) The President shall, within fourteen days after a vacancy occurs in the office of the Inspector-General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament.
- ~~(3) Deleted by Act No. 19 of 2014, s. 86 (b).~~
- (4) Deleted by Act No. 19 of 2014, s. 86 (b).
- (5) Deleted by Act No. 19 of 2014, s. 86 (b).
- (6) Deleted by Act No. 19 of 2014, s. 86 (b).
- (7) Parliament shall, within fourteen days after it first meets after receiving the names of the nominee—

- (a) consider the suitability of the nominee;
 - (b) either approve or reject the nominee for appointment; and
 - (c) the Speaker of the National Assembly shall notify the President of the decision of the Parliament.
- (8) If Parliament approves the nominee, the President shall, within seven days after receiving the notification to that effect, appoint the nominee as the Inspector-General.
- (9) If Parliament rejects a nominee submitted by the President, Parliament shall request the President to submit a new nominee and the provisions of this section shall apply with necessary modifications with respect to the new nominee.
- (10) If, after the expiry of a period of thirty days from the date of the nomination of a person for appointment as a Inspector-General under subsection (2), Parliament has neither approved nor rejected the nomination of the person, the nominee shall be deemed to have been approved by the Parliament.

[Act No. 11 of 2014, s. 11, Act No. 19 of 2014, s. 86.]

13. Appointment of Deputy Inspector General

(Section in need of review following conflicting provisions occasioned by Amendment Act No. 11 of 2017 and Act No. 25 of 2015.)

Whenever a vacancy arises in the Office of the Deputy Inspector-General the President shall on the recommendation of the Commission within fourteen days from the date the vacancy arises appoint a suitably qualified person to serve as Deputy Inspector-General.

[Act No. 11 of 2014, s. 12, Act No. 25 of 2015, Sch., Act No. 11 of 2017, Sch.]

14. General provisions on recruitment of Inspector-General and Deputy Inspector-General

In the entire recruitment and appointment process of the Inspector-General or Deputy Inspector-General, the Commission, Parliament and President, as the case may be, shall—

- (a) comply with the values and principles set out under the Constitution, and in particular, Article 10, 27 and 232 of the Constitution; and
- (b) *deleted by Act No. 25 of 2015, Sch.*

[Act No. 25 of 2015, Sch.]

15. Removal of Inspector-General

- (1) The Inspector-General may be removed from office only for the grounds stipulated under Article 245(7) of the Constitution.
- (2) Deleted by Act No. 19 of 2014, s. 87.
- (3) Deleted by Act No. 19 of 2014, s. 87.
- (4) Deleted by Act No. 19 of 2014, s. 87.
- (5) Deleted by Act No. 19 of 2014, s. 87.
- (6) Deleted by Act No. 19 of 2014, s. 87.
- (7) Deleted by Act No. 19 of 2014, s. 87.
- (8) Deleted by Act No. 19 of 2014, s. 87.

[Act No. 11 of 2014, s. 13, Act No. 19 of 2014, s. 87.]

16. Temporary absence of the Inspector-General

The President, on recommendation of the Commission, may appoint one of the Deputy Inspector-General to act as the Inspector General for a period not exceeding three months.

[Act No. 11 of 2014, s. 14.]

17. Removal of Deputy Inspector-General

The President may remove, retire or redeploy a Deputy Inspector-General at any time before the Deputy-Inspector General attains the age of retirement.

[Act No. 19 of 2014, s. 89, Act No. 25 of 2015, Sch.]

18. Term of office

- (1) The Inspector-General shall be appointed for one term of four years but may be removed before expiry of his term subject to the provisions of Article 245(7) of the Constitution and shall not be eligible for reappointment.
- (2) Deleted by Act No. 25 of 2015, Sch.
- (3) Deleted by Act No. 25 of 2015, Sch.

[Act No. 11 of 2014, s. 15, Act No. 19 of 2014, s. 88, Act No. 25 of 2015, Sch.]

19. Oath of office

Before taking up the office, the Inspector-General, and Deputy Inspectors-General shall each make and subscribe to the oath or affirmation set out in the Fourth Schedule before the Chief Justice.

20. Vacancy and filling of vacancy

(1) The office of the Inspector-General or Deputy Inspectors-General shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by a notice in writing addressed to the President; or
- (c) is removed from office in accordance with the Constitution or this Act.

(2) Where a vacancy occurs in the office of the Inspector-General or Deputy Inspector-General, the President shall appoint a replacement in accordance with sections 12 and 13.

21. Requirement for consultation

(1) There is established a Service Board which shall consist of the Inspector-General, the two Deputy Inspectors-General, the Director of Criminal Investigation Department and the head of human resource of the Service

(2) The functions of the Service Board shall be to—

- (a) receive and act on reports submitted to the Service Board;
- (b) facilitate the co-ordination of all police operations;
- (c) advice the Inspector -General on the day to day administration of the Service;
- (d) advice the Inspector-General on matters relating to distribution and deployment in the Service; and
- (e) determine the recommendation of the Service on recruitment, promotions, transfers and discipline for submission to the National Police Service Commission.

(3) The Service Board may establish such committees as may be necessary to carry out their functions.

(4) The Service Board or the Committees established under subsection (3) may co-opt any person into their membership whose expertise or knowledge could add value to the Service.

(5) The Service Board shall appoint a secretary of the Board from amongst the officers of the Service.

[Act No. 11 of 2014, s. 16.]

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

22. Composition of the Kenya Police Service

- (1) The Kenya Police Service shall consist of the ranks set forth in the First Schedule.
- (2) The Cabinet Secretary may, on the advice of the Inspector General, by order published in the *Gazette*, amend the First Schedule.
- (3) The Cabinet Secretary shall not amend the ranks of the Inspector-General or the Deputy Inspector-General.

[Act No. 11 of 2014, s. 17.]

23. Functions of the Deputy Inspector-General of the Kenya Police Service

The Deputy Inspector-General for the Kenya Police Service shall subject to the direction, command and control of the Inspector-General—

- (a) be responsible for the effective and efficient day-to-day administration and operations of the Kenya Police Service;
- (b) implement policies and directions of the Service in relation to the Kenya Police Service;
- (c) prepare the budget, planning and provision of support for the Kenya Police Service;
- (d) establish and maintain police stations, outposts, units or unit bases in the counties and determine the boundaries of the police stations, outposts or unit bases and establish a facility in each police station for receiving, recording and reporting of complaints from members of the public;
- (e) manage, monitor and evaluate the Kenya Police Service;
- (f) undertake the supervision of the Kenya Police Service;
- (g) co-ordinate training in the Kenya Police Service;
- (h) provide internal oversight of the Kenya Police Service;
- (i) establish and maintain a relationship between the Kenya Police Service and the community;
- (j) improve transparency and accountability in the Kenya Police Service;
- (k) co-operate and engage in joint security operations with the Deputy Inspector-General, in charge of the Administration Police Service, ~~other Government departments or other security organs to ensure~~ the safety and security of the public;
- (l) implement the decisions of the Inspector-General;
- (la) issue general, special, routine and standing orders in respect of the Kenya Police Service; and
- (m) perform such other duties as may be assigned by the Inspector-General, or as may be prescribed by this Act or by any other

written law.

[Act No. 11 of 2014, s. 18, Act No. 25 of 2015, Sch.]

24. Functions of the Kenya Police Service

The functions of the Kenya Police Service shall be the—

- (a) provision of assistance to the public when in need;
- (b) maintenance of law and order;
- (c) preservation of peace;
- (d) protection of life and property;
- (e) investigation of crimes;
- (f) collection of criminal intelligence;
- (g) prevention and detection of crime;
- (h) apprehension of offenders;
- (i) enforcement of all laws and regulations with which it is charged; and
- (j) performance of any other duties that may be prescribed by the Inspector-General under this Act or any other written law from time to time.

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

25. Composition of the Administration Police Service

- (1) The Administration Police Service shall consist of the ranks set out in the First Schedule.
- (2) The Cabinet Secretary may, on the advice of the Commission, from time to time, by Order published in the *Gazette*, amend the Schedule.

[Act No. 11 of 2014, s. 19.]

26. Functions of the Deputy Inspector-General, Administration Police

The Deputy Inspector-General in charge of the Administration Police, shall subject to the direction, command and control of the Inspector-General—

- (a) be responsible for the effective and efficient day-to-day administration and operations of the Administration Police Service;
- (b) provide strategic guidance and direction for the Administration Police Service;
- (c) prepare the budget, planning and provision of support for the Administration Police Service;

- (d) manage, monitor and evaluate the Administration Police Service;
- (e) undertake the supervision of the Administration Police Service;
- (f) establish and maintain outposts, units or unit bases in the county and determine the boundaries of the outposts or unit bases and establish a facility in each police post or other premises for receiving, recording and reporting complaints from members of the public;
- (g) co-ordinate training in the Administration Police Service;
- (h) provide internal oversight of the Administration Police Service;
- (i) establish and maintain a relationship between the Administration Police Service and the community;
- (j) improve transparency and accountability in the Administration Police Service;
- (k) co-operate and engage in joint security operations with the Deputy Inspector-General in charge of the Kenya Police Service, other Government departments or other security organs to ensure the safety and security of the public;
- (l) implement the decisions of the Inspector-General;
- (m) implement policies and directions of the service in relation to the Administration Police Service;
- (ma) issue general, special, routine and standing orders in respect of the Administration Police Service; and
- (n) perform such other duties as may be assigned by the Inspector-General or the Commission, or as may be prescribed by this Act or any other written law.

[Act No. 11 of 2014, s. 20, Act No. 25 of 2015, Sch.]

27. Functions of the Administration Police Service

The functions of the Administration Police Service shall be the—

- (a) provision of assistance to the public when in need;
- (b) maintenance of law and order;
- (c) preservation of peace;
- (d) protection of life and property;
- (e) provision of border patrol and border security;
- (f) provision of specialized stock theft prevention services;
- (g) protection of Government property, vital installations and strategic points as may be directed by the Inspector-General;

- (h) rendering of support to Government agencies in the enforcement of administrative functions and the exercise of lawful duties;
- (i) co-ordinating with complementing Government agencies in conflict management and peace building;
- (j) apprehension of offenders;
- (ja) collection of criminal intelligence;
- (k) performance of any other duties that may be prescribed by the Inspector-General under this Act or any other written law from time to time.

[Act No. 11 of 2017, Sch.]

PART V – THE DIRECTORATE OF CRIMINAL INVESTIGATIONS

28. Establishment of the Directorate of Criminal Investigations Department

There is established the Directorate of Criminal Investigations which shall be under the direction, command and control of the Inspector-General.

29. Qualifications of the Director of Criminal Investigations

- (1) There shall be a Director of Criminal Investigations who shall be appointed by the President in accordance with section 30.
- (2) Deleted by *Act No. 19 of 2014, s. 90*.
- (3) Deleted by *Act No. 19 of 2014, s. 90*.
- (4) The Commission shall appoint the Director on such terms and conditions as the Commission may determine.
- (5) A person shall be qualified for appointment as the Director of Criminal Investigations if the person—
 - (a) is a citizen of Kenya;
 - (b) holds a degree from a University recognized in Kenya;
 - (c) has had at least ten years' proven experience at management level of a public institution;
 - (d) has had a distinguished career in his field;
 - (e) has knowledge and experience in criminal investigations or policing;
 - (f) has proven relevant experience in any of the following fields
 - (i) management;
 - (ii) law;
 - (iii) economics;

- (iv) change management;
- (v) finance;
- (vi) governance; or
- (vii) public administration; and

(g) meets the requirements of Chapter Six of the Constitution.

- (6) The Director of Criminal Investigations shall be a State officer for the purposes of Article 260 of the Constitution.
- (7) Before assuming office, the Director of Criminal Investigations shall take and subscribe to the oath of office prescribed under the Fourth Schedule.
- (8) The Director of Criminal Investigations shall, in the performance of the functions and duties of office, be responsible to the Inspector-General.
- (9) The Director of Criminal Investigations shall be—
 - (a) the chief executive officer of the Directorate;
 - (b) responsible for—
 - (i) implementing the decisions of the Inspector-General in respect of the Directorate;
 - (ii) efficient administration of the Directorate;
 - (iii) the day-to-day administration and management of the affairs of the Directorate; and
 - (iv) the performance of such other duties as may be assigned by the Inspector General, the Commission, or as may be prescribed by this Act, or any other written law. [Act No. 11 of 2014, s. 21, Act No. 19 of 2014, s. 90, Act No. 25 of 2015, Sch.]

30. Appointment of Director of Criminal Investigation

Whenever a vacancy arises in the office of the Director of Criminal Investigations the President shall on the recommendation of the Commission within fourteen days from the date the vacancy arises, appoint a suitably qualified person to serve as Director of Criminal Investigations.

[Act No. 11 of 2014, s. 22, Act No. 25 of 2015, Sch.]

31. Removal of the Director of Criminal Investigations

The President may at any time remove, retire or redeploy a Director of Criminal Investigations at any time before the Director of Criminal Investigations attains the age of retirement.

[Act No. 11 of 2014, s. 23, Act No. 25 of 2015, Sch.]

32. Vacancy and filling of vacancy

(1) The office of the Director of Criminal Investigations shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by a notice in writing addressed to the President; or
- (c) is removed from office in accordance with the Constitution or this Act.

(2) Where a vacancy occurs in the office of the Director of Criminal Investigations the President shall appoint a replacement in accordance with section 30.

33. Staff of the Directorate

The Directorate shall have such number of officers drawn from the Service as may be assigned from time to time by the Commission on the recommendation of the Directorate.

[Act No. 11 of 2014, s. 23, Act No. 25 of 2015, Sch.]

34. Functions of the Director

The Director of Criminal Investigations shall—

- (a) be responsible for the effective and efficient administration and operations of the Directorate;
- (b) provide strategic guidance and direction for the Directorate;
- (c) be responsible for the preparation of the budget and planning for the directorate;
- (d) monitor and evaluate the Directorate;
- (e) undertake supervision of the Directorate;
- (f) co-ordinate training, research and development in the Directorate;
- (g) provide internal oversight of the Directorate;
- (h) improve transparency and accountability in the Directorate;
- (i) co-operate and engage in joint security operations with the Deputy Inspectors-General of both the Kenya Police Service and the Administration Police Service, other Government departments and security organs, where necessary, when relevant, to ensure the safety and security of the public; and
- (j) perform any other functions that may be assigned by the Inspector-General under this Act or any other law.

35. Functions of the Directorate

The Directorate shall—

- (a) collect and provide criminal intelligence;
- (b) undertake investigations on serious crimes including homicide, narcotic crimes, human trafficking, money laundering, terrorism, economic crimes, piracy, organized crime, and cyber crime among others;
- (c) maintain law and order;
- (d) detect and prevent crime;
- (e) apprehend offenders;
- (f) maintain criminal records;
- (g) conduct forensic analysis;
- (h) execute the directions given to the Inspector-General by the Director of Public Prosecutions pursuant to Article 157 (4) of the Constitution;
- (i) co-ordinate country Interpol Affairs;
- (j) investigate any matter that may be referred to it by the Independent Police Oversight Authority; and
- (k) perform any other function conferred on it by any other written law.

36. Funds of the Directorate

(1) The funds of the Directorate shall consist of—

- (a) monies provided by Parliament for purposes of the Directorate;
- (b) such monies or assets as may accrue to the Directorate in the performance of its functions or the exercise of its powers under this Act or any other written law; and
- (c) all monies from any other source provided or donated to the Directorate.

(2) Notwithstanding subsection (1), any funds donated or lent, or any gift made to the Directorate shall be made public.

37. Financial Year

The financial year of the Directorate shall be—

- (a) the period beginning on the day on which this Act comes into operation and ending on the thirtieth of June next following; and
- (b) subsequently, the period of twelve months commencing on the first

of July of every year and ending on the thirtieth of June of the following year.

38. Annual estimates

- (1) At least three months before the commencement of each financial year, the Director of Criminal Investigations shall cause to be prepared estimates of the revenue and expenditure of the Directorate for that year.
- (2) The annual estimates shall make provision for all the estimated expenditure of the Directorate for the financial year concerned, and in particular shall provide for—
 - (a) the payment of salaries, allowances and other charges in respect of the staff of the Directorate;
 - (b) the payment of pensions, gratuities and other charges and in respect of benefits which are payable out of the funds of the Directorate;
 - (c) the maintenance of the assets of the Directorate;
 - (d) the funding of operations, training, research and development of the activities of the Directorate;
 - (e) the creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of such other matters as the Directorate may think fit.
- (3) The annual estimates shall be approved by the Directorate before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has given approval the Directorate shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

39. Accounts and audit

- (1) The Directorate shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Directorate.
- (2) Within a period of three months after the end of each financial year the Directorate shall submit to the Auditor-General the accounts of the Directorate in respect of that year together with—
 - (a) a statement of the income and expenditure of the Directorate during that year; and
 - (b) a statement of the assets and liabilities of the Directorate on the last day of the financial year.
- (3) The annual accounts of the Directorate shall be prepared, audited and reported upon in accordance with Articles 226 and 229 of the Constitution and the Public Audit Act, 2003 (No. 12 of 2003).

PART VI – COUNTY POLICING AUTHORITIES

40. Designation of police stations

- (1) The Inspector-General may, by a notice in the *Gazette* designate police stations.
- (2) In designating police stations under subsection (1), the Inspector-General shall ensure that such police stations are equitably distributed throughout each County.
- (3) The police stations under subsection (1) shall be the unit for police service delivery.
- (4) Each police station shall—
 - (a) be the centre for the administrative and command functions of all police services under the Service in one station; and
 - (b) provide room for operational creativity to the police officers from all the services under the Service.
- (5) The Inspector-Generals shall ensure the development of procedures which facilitate uniform keeping of records at all police stations.
- (6) Each police station shall register the victims of crime and violence within their areas of jurisdiction and establish support schemes for them.
- (7) Each station shall have a facility to receive, record and report complaints against police misconduct.
- (8) The Inspector-General may by Regulations establish outposts and other units which shall reflect the principles under the Constitution and this section.

[Act No. 11 of 2014, s. 24.]

41. County Policing Authority

- (1) There shall be established a County Policing Authority in respect of each county which shall comprise—
 - (a) the Governor who shall be the chairperson;
 - (b) a representative of the National Intelligence Service;
 - (c) county representatives appointed by the Inspector-General, ~~who shall comprise the heads of the National Police Service~~ and the Directorate of Criminal Investigations at the county level;
 - (d) two elected members nominated by the County Assembly;
 - (e) the chairperson of the County Security Committee;
 - (f) at least six other members appointed by the Governor, from among the following categories of persons ordinarily resident

in the county—

- (i) the business sector;
- (ii) community based organizations;
- (iii) women;
- (iv) persons with special needs;
- (v) religious organizations; and
- (vi) the youth.

- (1A) The Governor may authorise the Deputy Governor to chair the meetings of the County Policing Authority in his absence.
- (2) The members referred to in subsection (1)(e) shall be recruited through a competitive process by the office employing public officers in the county.
- (3) The names of members nominated under subsection (1)(e) shall be forwarded to the County Security Committee for vetting and subsequent thereto, the County Assembly for approval.
- (4) In nominating and appointing members under subsection (1)(e) the nominating bodies, public service office at the County level and Governor shall—
 - (a) uphold the principle of one-third gender representation;
 - (b) ensure geographical representativeness of the county; and may nominate more than one representative in respect of each category.
- (5) Notwithstanding subsection (1)(e), the membership of the County Policing Authority shall be proportional to the number of constituencies in the County.
- (6) In the absence of the chairperson, the members shall elect one of their member to chair the meetings of the County Policing Authority.
- (7) A person shall not be qualified for appointment as a member under subsection (2), if that person—
 - (a) has violated the Constitution;
 - (b) is adjudged bankrupt;
 - (c) is not of good character or moral standing;
 - (d) has been convicted of a felony; or
 - (e) has not been resident or employed in the county for a continuous period of not less than three years.

- (7) Members appointed under subsection (1)(e) shall serve for a term of two years and shall be eligible for reappointment for one further term.
- (8) The chairperson of council of governors in consultation with the Cabinet Secretary shall issue and publish in the *Gazette* guidelines to be followed during the nomination, appointment, removal from office, vacancy of office and filling of vacancy of members of the Authority.
- (9) The functions of the Authority shall be to—
 - (a) develop proposals on priorities, for police performance in the county;
 - (b) monitor trends and patterns of crime in the county including those with a specific impact on women and children;
 - (c) *deleted by Act No. 25 of 2015, Sch.;*
 - (d) monitor progress and achievement of set targets;
 - (e) provide oversight of the budget of the funds of the county policing authority;
 - (f) provide feedback on performance of the police service at the county level;
 - (g) provide a platform through which the public participates on the all aspects relating to county policing;
 - (h) *deleted by Act No. 11 of 2014, s. 25(h);*
 - (i) ensure policing accountability to the public;
 - (j) receive reports from Community Policing Forums and Committees; and
 - (k) ensure compliance with the national policing standards.
- (10) Every Authority shall prepare, publicize and submit quarterly reports to the Inspector-General, Cabinet Secretary, County Assembly and Governor—
 - (a) accounting for the status and progress on each of the functions with which it is charged; and
 - (b) the impediments to the performance of those functions.
- (11) The officer responsible for co-ordination of operations of the National Police Service in the County shall designate a police officer not below the rank of Assistant Superintendent of Police, as the secretary to the Authority.
- (12) *Deleted by Act No. 25 of 2015, Sch.*
- (13) Nothing in this section shall authorize any Authority to interfere with

- (a) the investigation of any particular offence or offences;
- (b) the enforcement operations of the law against any particular person or persons;
- (c) the employment, assignment, promotion, suspension or dismissal of any member of the Service; or
- (d) the operations of the Service.

(14) Every County Policing Authority may establish such committees as may be necessary for the performance of its functions under this Act.

[Act No. 11 of 2014, s. 25, Act No. 25 of 2015, Sch.]

42. Meetings of the Authorities

- (1) Every County Policing Authority shall meet at least once every three months at a time and venue to be determined by the Chairperson.
- (2) The Cabinet Secretary shall issue policy guidelines on the conduct of business of the Authority and any other matter necessary for the efficient operation of the Authority.
- (3) The quorum of the Authority shall be fifty per cent of the total members.

[Act No. 11 of 2014, s. 26, Act No. 11 of 2014, s. 25, Act No. 25 of 2015, Sch.]

43. Payment of allowances

Members of the Authority shall be paid such allowances as may be determined from time to time by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission in accordance with rules published in the *Gazette*.

44. Funds for County Policing Authorities

The expenses of the County Policing Authorities shall be met by the Service.

PART VII – GENERAL FUNCTIONS, POWERS, OBLIGATIONS AND RIGHTS OF POLICE OFFICERS IN THE SERVICE

45. Officer deemed to be on duty

A police officer shall for the purposes of this Act, be considered to be always on duty when required and shall perform the duties and exercise the powers granted to him under this Act or any other law at any place in Kenya where he or she may be deployed.

46. Rights of police officers

- (1) Subject to section 47, a police officer shall be entitled to all the rights set out in the Constitution.
- (2) Working hours of police officers shall be reasonable and where excessive overtime is required police officers shall be compensated with commensurate periods of rest, and they shall be allowed a minimum time of rest during and in between shifts.

47. Limitation of rights and fundamental freedoms of police officers

- (1) Subject to Article 24, 25 and 35 of the Constitution, the rights and fundamental freedoms of an officer of the Service may be limited for the purposes, in the manner and to the extent set out by law.
- (2) A limitation of a right or fundamental freedom under subsection (1) shall be reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom and shall be limited only for purposes of ensuring—
 - (a) the protection of classified information;
 - (b) the maintenance and preservation of national security;
 - (c) the security and safety of officers of the Service;
 - (d) the independence and integrity of the Service; and
 - (e) the enjoyment of the rights and fundamental freedoms by any individual does not prejudice the rights and fundamental freedoms of others.
- (3) A limitation of a right or fundamental freedom under this section shall relate to—
 - (a) the right to privacy to the extent of allowing—
 - (i) a person, home or property to be searched;
 - (ii) possessions to be seized;
 - (iii) information relating to a person's family or private affairs to be required or revealed; or
 - (iv) the privacy of a person's communications to be investigated;
 - (b) the freedom of expression to the extent of limiting the freedom to impart information for officers of the Service;
 - (c) the freedom of the media;
 - (d) the right to access to information to the extent of protecting the Service from—
 - (i) demands to furnish persons with information; and
 - (ii) publicizing information affecting the nation;
 - (e) the freedom of association to the extent of limiting the right of officers of the Service from joining or participating in the activities of any kind of association other than those authorized under this Act;
 - (f) the right to assemble, demonstrate, picket and petition public

authorities to the extent of ensuring discipline in the Service;
and

- (g) the right to fair labour relations to the extent of prohibiting officers of the Service from joining and participating in the activities of a trade union and going on strike.

- (4) An officer shall not be barred from voting at any election if, under the laws governing the said election, he or she has a right to vote.

48. Access to information

Subject to Article 244 of the Constitution and any other law enacted pursuant to Article 35 of the Constitution, a limitation of a right shall be reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom and shall be limited only for purposes of ensuring—

- (a) the protection of classified information;
- (b) the maintenance and preservation of national security;
- (c) the security and safety of officers in the Service;
- (d) the independence and integrity of the Service; and
- (e) the enjoyment of the rights and fundamental freedoms by any individual, does not prejudice the rights and fundamental freedoms of others.

49. General powers of police officers

- (1) Subject to Article 244 of the Constitution and the Bill of Rights, a police officer may exercise such powers and shall perform such duties and functions as are by law imposed or conferred on or assigned to a police officer.
- (2) Where any duty, power or discretion is imposed or conferred by this Act or any other law on a police officer of any specified rank or holding any specified office, the police officer, shall, in the performance of such duty or the exercise of such power or discretion, and subject to the lawful orders and directions of any police officer to whom the police officer is directly subordinate, and any senior police officer, if the occasion arises where it is expedient to do so, perform any such duty or exercise any such power or discretion.
- (3) Police officers shall make a report of all daily occurrences and incidents encountered and make it available to their superior.
- (4) A police officer who performs an official duty or exercises police powers shall perform such duty or exercise such power in a manner that is lawful.
- (5) Where a police officer is authorized by law to use force, the officer shall do so in compliance with the guidelines set out in the Sixth Schedule.
- (6) Every police officer shall be competent to serve or execute any summons, warrant or other process whether directed to him or to any

other officer.

- (7) The storage and use of information by any member of the Service shall be done in compliance with Article 31 of the Constitution, and all other relevant laws and regulations.
- (8) The Inspector-General may make regulations on handling of information by the Service.
- (9) Matters of a personal nature and operational information in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.
- (10) A police officer shall respect the law, regulations and the Service Standing Orders, and to the best of their capability, prevent and oppose any violations of them.
- (11) A police officer who has reason to believe that a violation of the law has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.
- (12) No member of the Service shall be subjected to disciplinary hearings or other disadvantage based solely on the fact that he or she has lodged a complaint with or given evidence before or information to the Independent Police Oversight Authority or other authorities or organs vested with reviewing or remedial power.
- (13) A police officer who abuses any powers conferred by this Act commits an offence and is liable to disciplinary or criminal action and a person whose rights are violated by a police officer shall be entitled to redress and compensation upon the decision of a court, tribunal or other authority.

[Act No. 11 of 2014, s. 27.]

50. Police records

- (1) A police officer in charge of a police station or other post, unit or formation shall keep a record in such form as the Inspector-General may, in consultation with the relevant Deputy Inspector-General, direct and shall record all complaints and charges preferred, the names of all persons arrested and the offences with which they are charged.
- (2) Notwithstanding anything to the contrary contained in any law in force, no fee shall be chargeable on any bail bond in a criminal case, recognizance to prosecute or give evidence, or recognizance or personal appearance or otherwise, issued or taken by a police officer.
- (3) Any complaint made against any police officer shall be recorded and reported to the Independent Police Oversight Authority.
- (4) A police officer who fails to record and report any complaint made under this section, commits an offence.

[Act No. 11 of 2014, s. 28.]

51. Obedience to orders and warrants and detection of crimes, etc.

(1) A police officer shall—

- (a) obey and execute all lawful orders in respect of the execution of the duties of office which he may from time to time receive from his superiors in the Service;
- (b) obey and execute all orders and warrants lawfully issued;
- (c) provide assistance to members of the public when they are in need;
- (d) maintain law and order;
- (e) protect life and property;
- (f) preserve and maintain public peace and safety;
- (g) collect and communicate intelligence affecting law and order;
- (h) take all steps necessary to prevent the commission of offences and public nuisance;
- (i) detect offenders and bring them to justice;
- (j) investigate crime; and
- (k) apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient ground exists.

- (2) A police officer who fails to comply with an unlawful order shall not be subjected to disciplinary proceedings.

52. Power to compel attendance of witnesses at police station

- (1) A police officer may, in writing, require any person whom the police officer has reason to believe has information which may assist in the investigation of an alleged offence to attend before him at a police station or police office in the county in which that person resides or for the time being is.
- (2) A person who without reasonable excuse fails to comply with a requisition under subsection (1), or who, having complied, refuses or fails to give his correct name and address and to answer truthfully all questions that may be lawfully put to him commits an offence.
- ~~(3) A person shall not be required to answer any question under this section if the question tends to expose the person to a criminal charge, penalty or forfeiture.~~
- (4) A police officer shall record any statement made to him by any such person, whether the person is suspected of having committed an offence or not, but, before recording any statement from a person to whom a charge is to be preferred or who has been charged with committing an

offence, the police officer shall warn the person that any statement which may be recorded may be used in evidence.

- (5) A statement taken in accordance with this section shall be recorded and signed by the person making it after it has been read out to him in a language which the person understands and the person has been invited to make any correction he may wish.
- (6) Notwithstanding the other provisions of this section, the powers conferred by this section shall be exercised in accordance with the Criminal Procedure Code (Cap. 75), the Witness Protection Act (Cap. 79) or any other written law.
- (7) The failure by a police officer to comply with a requirement of this section in relation to the making of a statement shall render the statement inadmissible in any proceedings in which it is sought to have the statement admitted in evidence.

53. Power to require bond for attendance of court

- (1) A police officer investigating an alleged offence (not being an offence against discipline) may require any person to execute a bond in such sum and in such form as may be required, subject to the condition that the person shall duly attend court if and when required to do so.
- (2) A person who refuses or fails to comply with a requirement lawfully made under subsection (1) commits an offence.
- (3) Notwithstanding the foregoing provisions, the powers conferred under this section shall be exercised in strict accordance with the Criminal Procedure Code (Cap. 75).

54. Kenya Police to maintain order on roads, etc.

- (1) The Kenya Police Service shall—
 - (a) regulate and control traffic and keep order and prevent obstructions in public places; and
 - (b) prevent unnecessary obstruction during assemblies, meetings and processions on public roads and streets, or in the neighbourhood of places of worship during the time of worship therein.
- (2) A person who disobeys any lawful order given by a police officer under subsection (1) commits an offence, and may be arrested without a warrant unless he gives his name and address and satisfies the police officer that he shall duly answer any summons or other proceedings which may be taken against him.

55. Power to take photographs, fingerprints and forensic evidence

- (1) A magistrate or a police officer, and any other person appointed to give certificates under subsection (2) of section 142 of the Criminal Procedure Code (Cap. 75), may take, or cause to be taken in his presence, for the purposes of record and identification, the measurements, photographs, footprints and casts thereof, palm-prints, finger-prints and other forensic

evidence of any person in lawful custody or who is subject to police supervision.

- (2) The Inspector-General shall prescribe in the Service Standing Orders the form upon which footprints, palm-prints, finger-prints and other forensic evidence may be taken in accordance with this section.
- (3) The magistrate, police officer or person appointed as the case may be, shall certify on the prescribed form that the foot prints, finger-prints, palm-prints and other forensic evidence have been taken by him, or caused to be taken in his presence, in accordance with the directions contained on such form, and that the particulars entered on such form are to the best of his knowledge and belief accurate and true.
- (4) Subject to subsection (1), if a person is not charged with an offence punishable by imprisonment or is discharged or acquitted by a court, and has not previously been convicted of an offence so punishable, all records of such measurements, photographs, footprints and casts thereof, palm-prints and fingerprints and any negatives and copies of such photographs or of photographs of such footprints, palm-prints and fingerprints shall immediately be destroyed or handed over to such person.
- (5) A person who refuses to permit his measurements, photographs, footprints and casts thereof, palm-prints or finger-prints and other forensic evidence to be taken under this section commits an offence.
- (6) Upon conviction under subsection (5), reasonable force may be used to facilitate the taking of measurements, photographs, footprints and casts thereof, palm-prints and finger-prints of the person convicted.

56. Stoppage and detention

- (1) A police officer may stop and detain any person whom he or she—
 - (a) witnesses doing any act or thing which is unlawful;
 - (b) finds in possession of anything contrary to any written law.
- (2) A person who fails to produce a licence, permit, certificate or pass within forty-eight hours when called upon to do so, may be arrested without a warrant unless he gives his name and address and otherwise satisfies the officer that he will duly answer any summons or any other proceedings which may issue or be taken against him or her.
- (3) A police officer who abuses the powers under this section commits an offence.

[Act No. 11 of 2014, s. 29.]

57. Power to enter premises and stop vehicles, etc., without warrant

- (1) Subject to the Constitution, if a police officer has reasonable cause to believe—
 - (a) that anything necessary to the investigation of an alleged offence is in any premises and that the delay caused by

obtaining a warrant to enter and search those premises would be likely to imperil the success of the investigation; or

- (b) that any person in respect of whom a warrant of arrest is in force, or who is reasonably suspected of having committed a cognizable offence, is in any premises,

the police officer may demand that the person residing in or in charge of such premises allow him free entry thereto and afford him all reasonable facilities for a search of the premises, and if, after notification of his authority and purpose, entry cannot without unreasonable delay be so obtained, the officer may enter such premises without warrant and conduct the search, and may, if necessary in order to effect entry, break open any outer or inner door or window or other part of such premises.

- (2) A police officer may stop, search and detain any vehicle or vessel which the police officer has reasonable cause to suspect is being used in the commission of, or to facilitate the commission of, an offence.
- (3) A person who fails to obey a reasonable signal given by a police officer in uniform requiring the person to stop any vehicle or vessel commits an offence and is liable on conviction to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred thousand shillings, or to both.
- (4) A police officer may arrest a person under subsection (3) without a warrant unless the person gives his name and address and otherwise satisfies the police officer that the person will duly answer any summons or other proceedings which may issue or be taken against that person.
- (5) A police officer who exercises the powers conferred under this section shall—
 - (a) identify himself beforehand;
 - (b) record the action;
 - (c) record the items taken;
 - (d) make a report regarding such exercise and make it available for the superior.

58. Power to arrest without a warrant

Subject to Article 49 of the Constitution, a police officer may without a warrant, arrest a person—

- (a) who is accused by another person of committing an aggravated assault in any case in which the police officer believes upon reasonable ground that such assault has been committed;
- (b) who obstructs a police officer while in the execution of duty, or who has escaped or attempts to escape from lawful custody;
- (c) whom the police officer suspects on reasonable grounds of having committed a cognizable offence;

- (d) who commits a breach of the peace in the presence of the police officer;
- (e) in whose possession is found anything which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to that thing;
- (f) whom the police officer suspects upon reasonable grounds of being a deserter from the armed forces or any other disciplined service;
- (g) whom the police officer suspects upon reasonable grounds of having committed or being about to commit a felony; or
- (h) whom the police officer has reasonable cause to believe a warrant of arrest has been issued.

59. Arrests and detentions by Police

An arrest by a police officer, whether with or without a warrant, shall be subject to the rules contained in the Fifth Schedule with respect to arrest and detention.

60. Power to search without warrant in special circumstances

- (1) When a police officer in charge of a police station, or a police officer investigating an alleged offence, has reasonable grounds to believe that something was used in the commission of a crime, is likely to be found in any place and that the delay occasioned by obtaining a search warrant under section 118 of the Criminal Procedure Code (Cap. 75) will in his opinion substantially prejudice such investigation, he may, after recording in writing the grounds of his belief and such description as is available to him of the thing for which search is to be made, without such warrant, enter any premises in or on which he or she suspects the thing to be and search or cause search to be made for, and take possession of such thing.
- (2) Sections 119, 120 and 121 of the Criminal Procedure Code (Cap. 75) as to the execution of search warrant, and the provisions of that Code as to searches shall apply to a search without a warrant under this section.
- (3) For purposes of conducting a search under this section—
 - (a) the officer shall carry with him, and produce to the occupier of the premises on request by him, the officer's certificate of appointment;
 - (b) if anything is seized under subsection (1), the police officer shall immediately make a record describing anything so seized, and without undue delay take or cause it to be taken before a magistrate within whose jurisdiction the thing was found, to be dealt with according to the law.

61. Power to use firearms

- (1) Subject to subsection (2), a police officer shall perform the functions and exercise the powers conferred by the Constitution and this Act by use of

non-violent means.

- (2) Despite subsection (1), a police officer may use force and firearms in accordance with the rules on the use of force and firearms contained in the Sixth Schedule.

62. Non-liability for act done in obedience to warrant

- (1) Where the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by a judge or magistrate, the court shall, upon production of the warrant containing the signature of the judge or magistrate, accept such warrant as *prima facie* evidence of the due making thereof, and upon the proof that the act complained of was done in obedience to such warrant enter judgement in favour of such police officer.
- (2) No proof of the signature of the judge or magistrate who issues a warrant shall be required unless the court has reason to doubt the genuineness thereof, and it shall be a defence that the police officer, at the time the arrest was made, believed on reasonable grounds that the signature was genuine.

63. Custody of unclaimed property

- (1) A police officer shall—
 - (a) take charge of all unclaimed property handed to him by any person or found by him to be unclaimed; and
 - (b) deliver that property without delay to the nearest police station.
- (2) Where any property has come into the possession of the Police, the police officer shall furnish an inventory or description of the property within fortyeight hours to a magistrate having jurisdiction in the area in which the property is found by, or handed to the magistrate, and the magistrate shall—
 - (a) give orders for the detention of the property; and
 - (b) cause a notice to be posted in a conspicuous place in the magistrate's court and at such police station as the magistrate considers necessary.
- (3) The notice under subsection (2)(b) shall describe the property and require any person who may have a claim thereto to appear before the Magistrate ~~or other person specified therein~~ and establish their claim within twelve months from the date of the notice.
- (4) Notwithstanding subsection (3), if the unclaimed property is—
 - (a) liable to deterioration, the magistrate shall deal with it in such a manner as may be appropriate; or
 - (b) a firearm or ammunition, the magistrate may order that the property be disposed of in such manner as the Inspector-

General may prescribe in regulations.

- (5) If no owner establishes his claim to the property within twelve months from the date of the notice, the property may be sold in a manner directed by the Magistrate.
- (6) Where the unclaimed property has been sold in accordance with subsection (5) the proceeds of sale shall be paid to the person who establishes his claim, or, if no lawful claim to the property has been established, the proceeds shall be paid into the Government Revenue.

64. Power to apply for summons etc.

Subject to this Act or any other law, a police officer may lay any lawful complaint before a magistrate or apply before a subordinate court for summons, warrant or other legal process.

[Act No. 25 of 2015, Sch.]

65. Power to erect barriers

- (1) Notwithstanding the provisions of any other law, any Gazetted officer or any police officer in charge of a police station may, if he or she considers it necessary to do so for the maintenance and preservation of law and order or for the prevention or detection of any offence, order an officer to erect or place barriers in or across any road or street or in any public place.
- (2) A police officer in uniform may take all reasonable steps to prevent any vehicle from being driven past any barrier, erected pursuant to subsection (1) and a driver who fails to comply with any reasonable signal given by a police officer in uniform requiring the driver to stop the vehicle before the barrier, commits an offence and is liable on conviction to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred thousand shillings or to both.
- (3) The head of the National Police Service shall maintain records of all barriers erected under subsection (1) and the reasons therefor in their respective county and submit these to the respective community policing association.
- (4) The records referred in subsection (3) shall state the reasons for laying the barriers and shall be open for inspection by authorized persons.
- (5) The Inspector-General shall issue guidelines on erection of barriers.
- (6) Members of the public may lodge complaints about the barriers with the County Commander or the Authority.

[Act No. 11 of 2014, s. 30.]

66. Protection from personal liability

- (1) No matter or thing done by a member, employee or agent of the Service shall, if the matter or thing is done in good faith for the performance and execution of the functions, powers or duties of the Service, render the

officer, employee or agent personally liable to any action, claim or demand whatsoever.

- (2) Subsection (1) shall not preclude a person from bringing legal proceedings against the Inspector-General in respect of an act or omission of the kind referred to in that subsection if the person can satisfy the court that the police officer or other person would, but for that subsection, have incurred liability for the act or omission.

67. Public property not to be used privately

- (1) Unless specifically authorized by regulations, no police officer shall be entitled to keep or use for his private benefit any article that has been supplied to him at the public expense, but he or she shall hold every such article at the order and disposal of the state.
- (2) A police officer who keeps or uses an article in contravention of subsection (1) commits a disciplinary offence.

68. Surrender of public property on resignation, etc.

- (1) A police officer who is dismissed from the Service, or resigns from office, or otherwise leaves the Service, shall forthwith deliver over to the person authorized by regulations or appointed for that purpose every article which has been supplied to him and which he or she has not been expressly authorized to keep or use for his private benefit.

- (2) Any person who—

- (a) fails to comply with subsection (1); or

- (b) returns such property in a damaged condition, the damage not being attributable to the proper discharge of his duties in the Service,

commits an offence, and shall be liable on conviction, whether or not any penalty is otherwise imposed, for the cost of replacing such property, or, as the case may require, for the cost of repair, and such cost shall be recoverable by the Government by deduction from any moneys due to such person, and shall be a debt due from such person to the Government.

69. Restrictions on resignations

- (1) No officer below the rank of Deputy Inspector-General shall resign from the Service before the expiry of three months (or such lesser period as the Inspector-General may in particular case accept) after giving notice to the Inspector-General and Commission of his intention to resign.

- ~~(2) An officer who is under disciplinary proceedings may not resign from the service without the written permission of the Inspector-General.~~

- (3) The Inspector-General shall ensure that disciplinary proceedings are carried out without delay.

70. Powers, etc., whilst engaged on duties of prison officer

A police officer engaged in carrying out the duties of a prison officer shall have all the powers, protections and privileges attaching to a prison officer.

71. Police officers prohibited from taking other employment

- (1) No member of the Service other than a Reserve Police officer, shall engage in any trade, business or employment, outside the scope of his duties as an officer of the Service if the trade, business or employment is in conflict of interest with the performance of the police officer's duties.
- (2) A member of the Service who intends to engage in other forms of employment shall apply for and obtain approval from the Commission.
- (3) The Commission may approve or reject the application under subsection (2).
- (4) The Commission shall maintain a register of all persons granted approval under subsection (3), indicating the particulars thereof, and shall submit copies of the register to the Cabinet Secretary.
- (5) For the avoidance of doubt, the laws on anti-corruption, the Public Officers Ethics Act 2003 (No. 4 of 2003), and other relevant laws shall apply to members of the Service.

72. Special police officers

- (1) If it appears expedient in the interests of public order and safety, the Inspector-General with the approval of the National Security Council may request the National Police Service Commission to appoint persons to be special police officers for such period and within such area as may be considered necessary.
- (2) Such officer shall, during the period of service as a special police officer, be deemed to be a police officer for the purposes of this Act.
- (3) Upon request by the Inspector-General, the Commission shall appoint the officers referred to under subsection (1).

[Act No. 11 of 2014, s. 31.]

PART VIII – RECRUITMENT, ENLISTMENT AND TRAINING OF POLICE OFFICERS

73. Oath of office

A police officer shall upon being enlisted, make and sign before an officer authorized by law to administer oaths or before the Inspector-General, in English or Swahili and in such manner as the police officer may declare to be most binding on his conscience, the oath or the affirmation set out in the Fourth Schedule.

74. Certificate of Appointment

- (1) The Inspector-General shall ensure that a certificate of appointment is issued to every person who is appointed as a police officer.
- (2) A certificate of appointment shall be in a form prescribed by the regulations and be signed by a *Gazetted* police officer authorised by the Inspector-General for the purpose.
- (3) A police officer shall produce the certificate of appointment issued under subsection (2) on being requested to do so by any person in relation to

whom the officer is exercising or is about to exercise a power conferred by this Act.

- (4) A failure to comply with subsection (3) shall invalidate any purported exercise of the power that the officer is seeking to exercise.
- (5) A certificate issued to a police officer under this section shall be evidence of the officer's appointment not only for the purposes of legal proceedings but for all other purposes of the law.

75. Leaving the Service

An officer may leave the Service only by the modes prescribed under this Act or the regulations.

76. Retirement from the Service

- (1) A Police officer below the rank of Deputy Inspector-General shall retire from the Service on attaining the age of sixty years but may, with the approval of the Commission, be permitted to retire on attaining the age of fifty years.

Provided that, retirement from the Service under this section shall be subject to any written law.

- (2) Where the officer retires after serving for more than twenty years and before attaining fifty years, in terms of subsection (1), the benefits payable shall be calculated as if the officer had retired after twenty years of service.
- (3) An officer below the rank of sergeant may voluntarily retire from the service upon completion of twelve or twenty years of service.
- (4) *deleted by Act No. 25 of 2015, Sch.*
- (5) *deleted by Act No. 25 of 2015, Sch.*

[Act No. 11 of 2014, s. 32, Act No. 25 of 2015, Sch.]

76A. Database on retired and other officers

The Commission shall keep, maintain and update a database of all officers who retire, desert, are dismissed or otherwise leave the Service.

[Act No. 19 of 2014, s. 94.]

77. Retention in Service

Any police officer whose period of service expires during a state of war or state of emergency or during any time when any regulations are in force under any law relating to a state of emergency may be retained in the Service and his service prolonged for such further period as the Inspector-General may direct, but not for more than six months after the ending of such state or time.

78. Membership of International Organizations

- (1) Police officers may join international police associations in accordance with rules made by the Inspector-General.

79. Training policy and curriculum

(1) The Commission shall—

- (a) develop a training policy;
- (b) approve training curricula; and
- (c) oversee their implementation.

(2) The Commission shall regularly review the training curricula to ensure its relevance to policing requirements.

80. Training institutions

(1) The Service shall establish and maintain police training institutions for purposes of training and retraining of its officers.

(2) Training in police institutions shall be conducted in accordance to the training curriculum.

(3) The Service may collaborate with other training institutions to provide training to its officers.

80A. Service Examination Board

(1) There is established a Service Examination Board, which shall comprise of nine members appointed by the Commission.

(2) The Service Examination Board shall—

- (a) set and maintain examination standards of the Service;
- (b) evaluation and certification of examination; and
- (c) any other function as may be prescribe by Regulations.

(3) The Commission may by regulations make further provisions to give full effect to this section.

[Act No. 11 of 2014, s. 33.]

81. Examinations and certification

The Commission shall in consultation with the Inspector-General develop guidelines on examination and certification of police trainees.

[Act No. 25 of 2015, Sch.]

PART IX – POLICE SERVICE ASSOCIATIONS

82. Representation of police officers

Police officers may form Service welfare associations, and such associations shall be recognized by the Inspector-General, the Commission and the Cabinet

Secretary as appropriate associations for consultation in respect of any matter specified in section 83 and any other matter concerning police officers.

[Act No. 11 of 2014, s. 34.]

83. Functions of police associations

Police associations formed in accordance with this Act shall be responsible for —

- (a) bringing to the notice of the Inspector-General, the Commission and the Cabinet Secretary any the matters affecting the general welfare and efficiency of the Police;
- (b) negotiating and reporting for action on behalf of the officers in respect of—
 - (i) any grievances;
 - (ii) the terms and conditions of Service; and
 - (iii) any other matters concerning the police officers.[Act No. 11 of 2014, s. 35.]

84. Recognized associations to make rules

- (1) Every recognized police association shall make rules providing for the administration of the association and for carrying out the objects of the association.
- (2) The rules made under subsection (1) shall contain provisions in respect of matters prescribed in the Seventh Schedule.
- (3) A copy of the rules and any amendment thereto shall be issued to each officer who is a member of the association on demand and on payment of the prescribed fee.
- (4) Subject to the Societies Act (Cap. 108), the rules of an association, including any amendments, shall be filed with the Registrar-General and shall unless a future date is specified therein, have effect from the date of filing.

85. Registration requirements

For an association to qualify for registration under this Act, the association shall be required to—

- (a) draw its membership from the Service;
- (b) comply with the requirements made in accordance with the Seventh Schedule.

86. Association to be independent of trade union

An association established in accordance with this Part and any branch thereof shall—

- (a) operate and be administered in accordance with the provisions of this Act;
- (b) be entirely independent of any trade union within the meaning of the Labour Institutions Act, 2007 (No. 12 of 2007).

PART X – OFFENCES AGAINST DISCIPLINE BY POLICE OFFICERS

87. Internal Affairs Unit

- (1) There is established an Internal Affairs Unit (hereinafter referred to as “the Unit”) of the Service which shall comprise of—
 - (a) an officer not below the rank of assistant Inspector-General who shall be the Director;
 - (b) a deputy director; and
 - (c) such other staff as the Unit may require.
- (2) The functions of the Internal Affairs Unit shall be to—
 - (a) receive and investigate complaints against the police;
 - (b) promote uniform standards of discipline and good order in the Service; and
 - (c) keep a record of the facts of any complaint or investigation made to it.
- (2A) Without prejudice to subsection (2), the unit may where necessary investigate and recommend appropriate action in respect of any Found engaging in any unlawful conduct.
- (3) In the performance of its functions, the Unit shall be subject to Article 47 of the Constitution.
- (4) The Unit shall investigate misconduct and hear complaints—
 - (a) from members of the Service or members of the public;
 - (b) at the direction of a senior officer;
 - (c) on its own initiative; or
 - (d) on the direction of the Inspector-General; or
 - (e) ~~at the request of the Independent Police Oversight Authority.~~
- (5) Notwithstanding subsection (4)(e) the Authority may at any time intervene and take over the investigations when they have reason to believe the investigations are inordinately delayed or manifestly unreasonable.
- (6) The Unit may recommend the following disciplinary actions to the Inspector General—

- (a) the interdiction of an officer;
 - (b) the suspension of an officer;
 - (c) the administration of a severe reprimand or a reprimand to control or influence the pay, allowances or conditions of service of an officer; or
 - (d) any other lawful action.
- (6A) Where the Unit recommends disciplinary action, it shall submit a copy of the recommendations to the Commission.
- (6A) The Inspector-General may in exceptional cases and in the interest of the service, authorise the unit to undertake disciplinary proceedings against any officer who has been a subject of its investigations, and may for that purpose direct a Deputy Inspector-General or the Director of the Unit to appoint an officer to preside over such proceedings.
- (7) The Unit shall be located in separate offices from the rest of the Service.
- (8) The Director shall assign a senior investigating officer in every county who shall be responsible for police internal affairs in that county.
- (9) The Units shall report directly to the Assistant Inspector-General who shall subsequently report directly to the Inspector-General.
- (10) There shall be an effective relationship and regular reporting by the Internal Affairs Unit to the Independent Police Oversight Authority, Coroners, the Chief Firearms Licensing Officer as well as the Commission.
- (11) The Unit shall not be subject to the control, direction or command of the Kenya Police, Administration Police or the Directorate.

[Act No. 11 of 2014, s. 36, Act No. 19 of 2014, s. 92, Act No. 25 of 2015, Sch.]

88. Disciplinary offences

- (1) A police officer in the Service shall be subject to the law and regulations from time to time in force relating to the Service.
- (2) The offences against discipline include the offences prescribed under the Eighth Schedule.
- (3) A police officer who commits a criminal offence, as against law shall be liable to criminal proceedings in a court of law.
- (3A) A police officer convicted of an offence under subsection (3) shall be liable to imprisonment for a term not less than ten years and not more than twenty years.
- (4) Deleted by Act No. 25 of 2015, Sch.

88A. Interdiction

Where a police officer is interdicted from duty in accordance with Force Standing Orders or any other written law, the officer's appointment shall not cease only because of such interdiction.

Provided that the powers, privileges and benefits vested in him as a police officer shall, during his interdiction, be in abeyance, but the officer shall continue to be subject to the same discipline and penalties, and to the same authority, as if he had not been interdicted.

[Act No. 25 of 2015, Sch.]

89. Penalties for disciplinary offences

- (1) A police officer who commits an offence against discipline is liable to be punished by—
 - (a) reprimand;
 - (b) suspension;
 - (c) an order of restitution;
 - (d) stoppage of salary increments for a specified period of time, but not exceeding one year;
 - (e) reduction in rank;
 - (f) dismissal from the Service; or
 - (g) any combination of the punishments provided under this section.
 - (h) confinement to barracks or police residential quarters;
 - (i) reduction of salary by not more than one third of the basic salary for a period not exceeding for three months; and
 - (j) a fine not exceeding a third of basic salary.
- (2) The police officer authorized to impose a penalty for a disciplinary offence, shall enter a record of such punishment, the date of the punishment and the offence for which it was inflicted on the record sheet of the police officer punished, a copy of which shall be forwarded to the Commission for review and confirmation.
- (3) All disciplinary proceedings under this Part shall be in accordance with the Service Standing Orders as approved by the Commission and shall comply with Article 47 of the Constitution.
- (4) A police officer facing disciplinary action may be accompanied by

another police officer of his choice for assistance and support:

Provided that such an officer is not of a senior rank to the presiding officer.

- (5) A member of the Service aggrieved by a decision made under this section may appeal to the Commission in accordance with the procedure laid out by Regulations made by the Commission in consultation with the Inspector-General.
- (6) The sanctions under subsection (1) (e) and (f) only take effect after approval and confirmation by the Commission.
- (6A) An officer recommended for dismissal under disciplinary proceedings shall be suspended from duty, pending the final decision of the Commission.

[Act No. 11 of 2014, s. 38, Act No. 25 of 2015, Sch.]

90. Power to summon witnesses

- (1) A police officer empowered to inquire into offences against discipline may summon and examine police officers or other persons as witnesses on oath or affirmation and require the production of relevant documents in any matter connected to the inquiry, and may adjourn any such inquiry from time to time as he may consider fit.
- (2) Any person summoned as a witness under subsection (1) who fails to attend at the time and place specified in the summons, or, having attended, refuses to answer any questions that are lawfully put to him (other than questions which may incriminate him) or fails without reasonable cause to produce any document, commits an offence.

Provided that where the person is a police officer, he or she shall be deemed to have committed an offence against discipline.

[Act No. 25 of 2015, Sch.]

91. Recovery of fines by deduction from salary

- (1) A fine imposed for an offence against discipline shall be recoverable by one or more deductions from the monthly salary payable to the officer on whom the fine is imposed.
- (2) Notwithstanding subsection (1), no deduction, nor the aggregate of deductions, if more than one fine is outstanding at the same time, shall exceed one-fourth of the gross salary payable in any month.

92. Loss or damage to property to be made good by recovery from pay

- (1) Notwithstanding anything contained in any other law, if any officer pawns, sells, loses by neglect, makes away with or willfully or negligently damages any article entrusted to or lawfully in the possession of the Service and supplied to him, or any property seized or taken charge of by him in the course of his duty, he may, in addition to any other penalty, be ordered to make good, either wholly or partially, the value of

such property or the amount of such loss or damage, as the case may be, and such value or such amount may be recovered by deductions from his pay, including allowances, other than rent allowance and trade pay.

- (2) Notwithstanding subsection (1), any officer who pawns, sells, loses by neglect, makes away with or willfully or negligently damages any firearms, ammunition, accouterment or uniform commits an offence and is, on conviction, liable to imprisonment for term not exceeding five years, or a fine not exceeding five hundred thousand, or to both.

93. Prohibition against officer being member of a trade union

(1) A police officer shall not become a member of—

- (a) any trade union, or any body or association affiliated to a trade union; or
- (b) any body or non-police association the object or one of the objects of which is to control or influence the pay, pensions or terms and conditions of service in the Service,

other than an association established and regulated pursuant to Part IX of this Act.

- (2) For the avoidance of doubt, the rights and fundamental freedoms specified under Article 24 (5) of the Constitution, with regard to persons serving in the Service, are limited to the nature and extent specified in this Act or any other written law.
- (3) A Police officer who contravenes this section shall be dismissed from the Service and shall forfeit all rights to any pension or gratuity.

[Act No. 11 of 2014, s. 39.]

94. Desertion

- (1) A police officer who absents himself from duty without leave or just cause for a period exceeding ten days shall, unless the contrary is proved, be considered to have deserted from the Service.
- (2) Upon reasonable suspicion that any police officer has deserted the Service, any police officer may arrest that officer without a warrant, and shall thereupon take him before a magistrate having jurisdiction in the area in which such person deserted or was arrested.
- (3) Any police officer who deserts from the Service commits an offence and is liable on conviction to summary dismissal or imprisonment for a term not exceeding two years.

[Act No. 19 of 2014, s. 91.]

95. Prohibition against torture or cruel treatment

- (1) It shall be unlawful for a police officer to subject any person to torture or other cruel, inhuman or degrading treatment.

- (2) A police officer who subjects a person to torture commits a criminal offence and shall be liable on conviction to imprisonment for a term not exceeding twenty five years.
- (3) A police officer who subjects a person to cruel, inhuman or degrading treatment commits a criminal offence and is liable on conviction to imprisonment for a term not exceeding fifteen years.

95A. National Police Service Disciplinary Board

- (1) There is established the National Police Service Disciplinary Board which shall consist of—
 - (a) a person qualified to be appointed as a judge who shall be the presiding officer appointed by the Commission;
 - (b) five other members appointed by Commission as follows—
 - (i) two members representing the Kenya Police Service;
 - (ii) two members representing the Administration Police Service;
 - (iii) one member representing the Directorate of Criminal investigations.
- (2) The Board shall—
 - (a) inquire into matters related to discipline for officers of the rank of or above assistant superintendent brought to its attention by an officer of the Service,
 - (b) undertake disciplinary proceedings in accordance with the regulations issued by the Commission;
 - (c) determine and make recommendations to the Commission, including recommendation for summary dismissal, based on its findings.
- (3) In conducting an inquiry under subsection (2) (a), the Board may engage the services of any person or institution with expert knowledge in the matter to which the inquiry relates.
- (4) The Commission may establish such other subordinate Boards to be constituted as and when necessary at the respective Service commands at county, formation, unit and station levels which shall undertake disciplinary proceedings in accordance Service Standing Orders.
- (5) A subordinate Board shall inquire into matters related to discipline for officers of the rank of or below chief inspector brought to its attention by an officer of the Service.

PART XI – COMMUNITY POLICING FORUMS AND COMMITTEES

96. Objects of community policing

- (1) The Service shall, in order to achieve the objects contemplated in Article 244 of the Constitution, liaise with communities through community policing initiatives, with a view to—
 - (a) establishing and maintaining partnership between the community and the Service;
 - (b) promoting communication between the Service and the community;
 - (c) promoting co-operation between the Service and the community in fulfilling the needs of the community regarding policing;
 - (d) improving the rendering of police services to the community at national, county and local levels;
 - (e) improving transparency in the Service and accountability of the Service to the community; and
 - (f) promoting policing problem identification and policing problem-solving by the Service and the community.

97. Role of County Policing Authority in community policing

- (1) A County Policing Authority shall establish structures to implement community policing in all parts of the county so far as is appropriate.
- (2) The Authority shall be responsible for—
 - (a) implementation of community policing policies and guidelines;
 - (b) facilitation of training members of community policing within the county;
 - (c) receiving reports from local community policing structures;
 - (d) preparing county community policing reports for submission to the Cabinet Secretary.

98. Establishment of area community policing committees and other structures

- (1) A police officer in charge of an area shall, in consultation with stakeholders, be responsible for and facilitate the establishment of area community policing committees and other administrative structures.
- (2) An area community policing committee shall, subject to subsection (3), consist of representatives of community policing forums in the area concerned elected for that purpose by such policing forums.
- (3) A station commander or administrative police post commander and the

members elected by the community from time to time for that purpose shall be members of the area community policing committee concerned.

- (4) Where appropriate, both the administration police and the Kenya police shall establish joint committees or other structures.

99. Functions of community policing committees and other structures

A community policing committee or other structure shall perform the functions it considers necessary and appropriate to achieve the objects contemplated in section 96 which may include the functions contemplated in Article 244(e) of the Constitution.

100. Procedural matters

- (1) The members of every community shall elect as a chairperson and a vice-chairperson from amongst their number.
- (2) The chairperson shall be a civilian member while the vice chairperson shall be a police officer.
- (3) The Committee shall determine its own procedure and cause minutes to be kept of its proceedings; and
- (4) Whenever it deems it necessary, co-opt other members, experts, community leaders to the committee in an advisory capacity.
- (5) Members of community policing forums and committees shall render their services on a voluntary basis and shall have no claim to compensation solely for services rendered to such forums and committees.
- (6) The quorum for a meeting of the Committee shall be the majority of the members thereof.
- (7) The chairperson of a committee shall preside at every meeting at which present, but if the chairperson is absent from a meeting, the vice-chairperson shall preside, and if both the chairperson and vice-chairperson are absent, the members present shall elect one from among their own number to preside.

PART XII – OFFENCES GENERALLY

101. Impersonation of police officer or wearing police uniform, etc.

- (1) A person other than a police officer who, without the written authority of the Inspector-General—
 - (a) puts on or assumes, either in whole or in part, the uniform, name, designation or description of a police officer, or a ~~uniform, name or designation, resembling or intended to resemble~~ the uniform, name or designation of a police officer; or
 - (b) in any way pretends to be a police officer for any purpose which he would not by law be entitled to do of his own authority,

commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to a term of imprisonment not exceeding ten years, or to both.

- (2) Notwithstanding subsection (1) a person may, with the approval of the Inspector-General use police uniforms for artistic purposes.

102. Obtaining admission to the Service by fraud

- (1) A person who, for the purposes of obtaining admission into the Service, knowingly—

- (a) uses or attempts to pass off a forged or false certificate, letter or other document; or
- (b) makes a false answer to a question which is put to him by a police officer,

commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three years, or to both.

- (2) A police officer may without a warrant arrest a person the police officer reasonably believes has committed an offence under this section.

103. Assault in execution of duty

Any person who—

- (a) assaults, resists or willfully obstructs a police officer in the due execution of the police officer's duties;
- (b) assaults, resists or willfully obstructs any person acting in aid of the police officer;
- (c) attacks an animal belonging to the Service; or
- (d) intentionally or recklessly, destroys police property,

commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding ten years, or to both.

PART XIII – PROVISION FOR ADDITIONAL OFFICERS

104. Private use of police officers

- (1) The Inspector-General may on application by any person, station an officer for duty at such place and for such period as the Inspector-General may approve.
- (2) Notwithstanding subsection (1), the Inspector-General shall only deploy an officer for private use for the protection of public good or interest.
- (3) The monies paid for the private use of the police as specified in subsection (1) shall be paid to the Treasury.
- (4) The Inspector-General shall make regulations generally to give effect to

this section.

105. Deployment of additional officers on private property

Where the Inspector-General reasonably considers that the deployment of additional officers in any place is necessary—

- (a) for the safety of the private property of any person;
- (b) in the interests of any person; or
- (c) that there is a reasonable apprehension of a breach of the peace in connection with any such private property;

the Inspector-General may station officers for duty on such property place and for such period as the Inspector-General may consider necessary.

106. Additional officers for disturbed or dangerous areas

- (1) The Cabinet Secretary may, after consultation with the National Security Council, by notice in the *Gazette*, and in such other manner as he may direct, declare that an area of Kenya is in a disturbed or dangerous state, or that, by reason of the conduct of the inhabitants of such area or any class or section of such inhabitants, it is expedient to increase the number of police officers stationed in such area.
- (2) Upon publication of a notice under subsection (1) the Inspector-General may—
 - (a) by order published in the *Gazette* and in other such manner as the Inspector-General may consider appropriate to bring it to the notice of the persons affected thereby prohibit the possession of arms in the area and order the surrender of all such arms, by all or such of the inhabitants of the area, as may be specified; and
 - (b) station an additional number of officers in the area.
- (3) An order made under subsection (2)(a) requiring the surrender of arms shall specify the times and places at which, and the persons to whom, such surrender shall be made, and shall provide for the safe custody of all arms surrendered, and for return upon revocation or termination of the notice under subsection (1).
- (4) If a police officer in any area in which all or any arms have been ordered to be surrendered under subsection (2)(a), has reasonable cause to believe that the delay which would occur in obtaining a search warrant would, or would tend to, defeat the purposes of this section, the police officer may, without warrant, enter and search any land, premises or place in or upon which he has reason to believe any arms ordered to be surrendered may be found, and may seize any such arms.
- (5) A police officer entering upon any land, premises or place under subsection (4) shall, if required to do so by the occupier thereof, produce to the occupier the officer's certificate of appointment.
- (6) Every notice issued under subsection (1) shall state the period for which

it is to remain in force, and may, at any time, be withdrawn or continued in force for such further period as the Cabinet Secretary may, in each case, by notice in the *Gazette*, direct.

- (7) In this section, "inhabitants" means all persons who, by themselves or their agents, servants or tenants, occupy or have a lawful interest in any land within an area specified in a notice issued under subsection (1).

PART XIV – RECIPROCAL ARRANGEMENTS WITH RECIPROCATING COUNTRIES

107. Reciprocating country defined

In this Part, "reciprocating country" means any country which the President may, being satisfied that the law of that country contains provisions reciprocal to this Part and that Kenya is or shall be declared a reciprocating country for the purpose of those provisions, by notice in the *Gazette*, declare to be a reciprocating country for the purposes of this Part.

108. Service of officers in reciprocating country

- (1) The President may, on the application of the Government of a reciprocating country, order such number of police officers as the President may think fit to proceed to that country for service therein for the purpose of assisting the police service of that country in a temporary emergency.
- (2) Where a police officer is punished under the law of a reciprocating country, or under any provisions of this Act applied by the law of a reciprocating country to a police officer whilst present therein, for any offence (whether against discipline or otherwise) committed by him while he was present in that country in pursuance of this Part, he shall be deemed for all purposes to have been punished in Kenya for a similar offence committed within Kenya.

109. Service of police officers of reciprocating country in Kenya

- (1) The President may make application to the Government of a reciprocating country for police officers of that country to be sent to Kenya for service therein for the purpose of assisting the Service in a temporary emergency.
- (2) Whenever police officers from a reciprocating country are present in Kenya in pursuance of an application made under subsection (1)—
- (a) the police officers shall be under the command of a senior officer of the Service;
 - (b) they shall have and may exercise the powers, and shall be liable to perform the duties, of police officers of equivalent rank in the Service, and shall for that purpose be deemed to be members of the Service;
 - (c) any contract of service between such an officer and his Government may be enforced in Kenya in the same way and with the same effect as if it were made between the officer and the Government of Kenya.

- (3) The Inspector-General shall make Regulations on the use of firearms or security equipment of foreign police services in Kenya.

[Act No. 11 of 2014, s. 40.]

PART XV – THE NATIONAL POLICE RESERVE

110. Composition of the Reserve

- (1) The National Police Reserve (hereinafter referred to as “the Reserve”) shall consist of such persons resident in Kenya (other than serving members of the Kenya disciplined services) as, having attained the age of eighteen years but not above the fifty five years volunteer for service and are enrolled as reserve police officers.
- (2) The National Security Council shall determine the maximum number Reserve police officers.
- (3) The Reserve may be deployed in Kenya to assist the Kenya Police Service or the Administration Police Service in their respective mandates including in the—
- (a) maintenance of law and order;
 - (b) preservation of peace;
 - (c) protection of life and property;
 - (d) prevention and detection of crime;
 - (e) apprehension of offenders; and
 - (f) enforcement of all laws and regulations with which the Service is charged.
- (3A) The police reserve officers shall—
- (a) be provided with proper uniform, service identity cards and weapons;
 - (b) be deployed in specific areas, with defined commands and supervision structures; and
 - (c) undergo vetting and training before deployment.
- (4) A person serving as a Reserve police officer shall be bound by the same requirements as a police officer and shall be supervised by the Service.
- (5) The Commission shall keep, maintain and update a database of all the officers of the Reserve police officers.
- (6) The Commission shall upon the commencement of this Act, vet all existing Reserve police officers to assess their suitability and competence, and any such officer who fails the vetting shall not continue to serve the Service.

- (7) The Inspector-General shall, undertake the training of police reserve officers to ensure that they are conversant with the relevant provisions of the Constitution and this Act.

[Act No. 11 of 2014, s. 41, Act No. 25 of 2015, Sch.]

110A. Police Reserve command structure

The Inspector-General shall on the advice of the Service Board from time to time determine the command structure of the police reserve in a particular area.

[Act No. 11 of 2014, s. 42.]

110B. Relationship between Reserve Police Officers and regular Service Personnel

The Inspector-General may, by regulations, make further provision on any matter related to the command of the police reserve and in particular, specify how the reserve police officers shall relate with regular Service personnel on normal and on joint Service operation.

[Act No. 11 of 2014, s. 42.]

110C. Recruitment and deployment of police reserve officers

Police reserve officers shall be—

- (a) recruited by the Commission upon recommendation and in consultation with the Inspector-General; and
- (b) deployed in such areas as the Inspector-General in consultation with the National Security Council may deem necessary.

[Act No. 11 of 2014, s. 42.]

111. Certificate of appointment for Reserve police officers

- (1) A certificate of appointment, in such form as may be prescribed, shall be issued to every Reserve police officer and shall be evidence of the appointment under this Act.
- (2) A Reserve police officer shall be recruited, in accordance with the rules and regulations developed by the Commission.
- (3) A Reserve officer shall be enlisted and trained by the Inspector-General.

[Act No. 11 of 2014, s. 43.]

112. Period of service in the Reserve

- (1) Every reserve police officer enrolled under this Act shall serve for a period of five years and shall not be re-engaged.
- (2) Notwithstanding subsection (1), where there is a state of war or a state of emergency under Article 58 of the Constitution, every Reserve police officer shall serve for the duration of the war or emergency, or for as long as the regulations are in force, as the case may be, or for such lesser period as the Inspector-General may in any case or class of cases consider appropriate.

[Act No. 11 of 2014, s. 44, Act No. 25 of 2015, Sch.]

113. Deployment and calling

- (1) The head of the National Ice Service in the county may, in writing, require any Reserve police officer resident in the county to perform the duties of a police officer.
- (2) The Inspector-General may, in consultation with the Cabinet Secretary, call out all or any Reserve police officers during a state of war or a state of emergency under Article 58 of the Constitution, and when so called out they shall remain on duty until released from duty by the Inspector-General.
- (3) The Inspector-General shall require any Reserve police officer called out under subsection (2) to undergo such training as the Inspector-General may determine.

[Act No. 11 of 2014, s. 45.]

114. Disciplinary powers over Reserve officers

A police reserve officer shall be subject to discipline in accordance with standing orders, rules and regulations of the Service.

[Act No. 11 of 2014, s. 46.]

115. Pay and allowances

- (1) Without prejudice to subsection (2), a reserve police officer shall be paid such remuneration and allowances as the Commission shall, in consultation with the Salaries and Remuneration Commission, determine.
- (2) When mobilized pursuant to section 113(2), a Reserve police officer shall receive such pay and allowances as may be prescribed for a police officer of corresponding rank and seniority in such rank.

[Act No. 11 of 2014, s. 47.]

PART XVI – FINANCIAL PROVISIONS

116. Allocations of Funds

- (1) The National Assembly shall allocate adequate funds to enable the

Service to perform its functions and the budget for the Service shall be a separate vote.

- (2) The Inspector-General shall ensure that every police station, post, outposts, unit, unit base and county authority is allocated sufficient funds to finance its activities.

117. Funds of the Service

(1) The funds of the Service shall consist of—

- (a) monies allocated by the National Assembly for the purposes of the Service; and
- (b) such monies as may be lawfully granted, donated or lent to the Service from any other source, with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for finance.

(2) All funds given to the Service under subsection (1)(b) shall be made public.

118. Financial year

The financial year of the Service shall be—

- (a) the period commencing on the date when this Act comes into force ending on the thirtieth of June next following; and
- (b) subsequently, the period of twelve months ending on the thirtieth June of each year.

119. Annual estimates

(1) At least three months before the commencement of each financial year, the Inspector-General shall cause to be prepared the estimates of the revenue and expenditure of the Service for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Service for the financial year concerned, and in particular shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Service;
- (b) the payment of pensions, gratuities and other benefits which are payable out of the funds of the Service;
- (c) the maintenance of the assets of the Service;
- (d) the funding of operations, training, research and development of activities of the Service;
- (e) the creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or

installations, equipment, and in respect of such other matters as the Service may consider appropriate.

120. Approval of annual estimates

The annual estimates shall be approved by the Service before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has given approval, the Service shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

121. Expenditure

No expenditure shall be incurred for the purposes of the Service except in accordance with funds voted or appropriated by the National Assembly.

122. Accounts and audit

(1) The Service shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Service.

(2) Within a period of three months after the end of each financial year, the Service shall submit to the Auditor General the accounts of the Service in respect of that year together with—

(a) a statement of the income and expenditure of the Service during that year; and

(b) a statement of the assets and liabilities of the Service on the last day of that financial year.

(3) The annual accounts of the Service shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the Public Audit Act (Cap. 412B).

PART XVII – MISCELLANEOUS PROVISIONS

123. Police station to be lock-up

(1) Every police station shall be deemed to be a lock-up in which a person suspected of having committed an offence may be temporarily detained.

(2) In every police station there shall be provided a secure place for detention.

(3) Detention shall be carried out in accordance with the requirements as set out in the Fifth Schedule

124. Regulations by the Commission

(1) The Commission may make regulations for the better carrying out of the purposes of this Act, and in particular for—

(a) regulating the hours of duty for police officers and the keeping and signing of records of attendance;

(b) regulating and co-ordinating duties to be performed by police

officers;

- (c) regulating the granting of leave to police officers;
- (d) prescribing arrangements and procedures for providing, assisting in or co-co-ordinating staff development programmes; and

(e) the employment of civilian staff within the Service.

125. Regulations by the Inspector-General

The Inspector-General may make regulations for the better carrying into effect of the purposes of this Act, including for—

- (a) the description and issue of arms, ammunition, uniform, accoutrements and necessaries to be supplied to the Service;
- (b) prescribing and providing the use of powers under this Act;
- (c) generally for the good order and management of the Service; and
- (d) the structure of the command of the Service.

[Act No. 11 of 2014, s. 48.]

126. Role of Cabinet Secretary

(1) The Cabinet Secretary shall be responsible for—

- (a) providing policy guidelines to the Service;
- (b) monitoring and evaluating the performance of the functions of the Service;
- (c) inspecting the facilities of the Service;
- (d) facilitating the involvement of the public in the activities of the Service;
- (e) facilitating the functioning of the county policing authorities;
- (f) receiving regular reports from the county policing authorities; and
- (g) developing Regulations relating to the setting of standards of recruitment, training of police and use of police services.

(2) The Cabinet Secretary shall—

- (a) set up an inspectorate for purposes of monitoring compliance with the policy, overall performance and functioning, of the county policing authorities;

- (b) establish a Police Reform Unit for ensuring continuous and sustainable police reforms;
- (c) develop guidelines on the promotion of human rights by the Service and in particular making police premises accessible and equipped to enable them to support—
 - (i) child protection;
 - (ii) persons with disabilities; and
 - (iii) persons with special needs.[Act No. 11 of 2014, s. 49.]

127. Role of the National Security Council

Pursuant to Article 240(3) and (6) of the Constitution, the National Security Council shall exercise supervisory control and perform the following functions with respect to the Service—

- (a) integrate the national and foreign policies relating to national security into the policing policy and programmes in order to enable the Service to co-operate with other national security organs and to function effectively;
- (b) assess and appraise the objectives, commitments and risks to the country in respect of actual and potential national security capabilities.

128. Regulations, Rules, etc.

- (1) All regulations, rules or any other form of subsidiary legislation or guidelines made under this Act shall be published in the *Gazette* and notified to the public.
- (2) Notwithstanding subsection (1), the Cabinet Secretary may make regulations generally to provide for classification of information held by the Service including any regulations, rules or any other form of subsidiary regulations made under this Act.
- (3) The categories of classified information referred to under subsection (2) may include—
 - (a) "top secret" which means information whose unauthorized disclosure would cause exceptionally grave damage to the interests of the State;
 - (b) "secret" which means information whose unauthorized disclosure would cause serious injury to the interests of the State;
 - (c) "confidential" which means information whose unauthorized disclosure would be prejudicial to the interests of the State; and
 - (d) ""restricted" which means information whose unauthorized

disclosure would be undesirable in the interests of the State.

[Act No. 11 of 2014, s. 50.]

129. General penalty

Any person who commits an offence under this Act for which no other penalty is expressly provided shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand shillings or to both.

PART XVIII – REPEALS AND SAVINGS

130. Repeal of Cap. 84 and Cap. 85

The Police Act (Cap. 84) and the Administration Police Act (Cap. 85) are repealed.

131. Saving and transitions

Notwithstanding section 130—

- (a) any reference to the Police Act (Cap. 84) or the Administration Police Act (Cap. 85) under any written law shall be construed as a reference to this Act.
- (b) any regulation or standing order or other administrative measure taken or issued under the Police Act or the Administration Police Act in force immediately before the commencement of this Act, shall be deemed to have been made and issued under this Act.
- (c) all Standing Orders, Rule or Regulations existing before the commencement of this Act shall be reviewed, amended or revised to conform to the provisions of the Constitution and this Act within twelve months after coming into force of this Act.

132. Continuous and sustainable police reforms

- (1) The Inspector-General shall put in place a system of ensuring continuous and sustainable police reforms with regard to Service operational matters.
- (2) The Cabinet Secretary may put in place a system of ensuring continuous and sustainable police reforms with regard to policy matters.

FIRST SCHEDULE

[Section 22, Act No. 11 of 2014, s. 51.]

RANKING STRUCTURE OF THE NATIONAL POLICE SERVICE

1. Inspector-General.
2. Deputy Inspector-General.
3. Senior Assistant Inspector-General.
4. Assistant Inspector-General.
5. Senior Superintendent.

6. Superintendent.
7. Assistant Superintendent.
8. Chief Inspector.
9. Inspector.
10. Senior Sergeant.
11. Sergeant.
12. Corporal.
13. Constable.

SECOND SCHEDULE [Sections 25.]

Repealed by Act No. 11 of 2014, s. 52.

THIRD SCHEDULE [Section 12, 13(7).]

Repealed by Act No. 11 of 2014, s. 53.

FOURTH SCHEDULE [Section 19.]

OATH/AFFIRMATION OF OFFICE

I, do swear/do solemnly and sincerely affirm that I will be faithful and bear true allegiance to the Constitution and the President of Kenya during my service in the Kenya Police/Administration Police/Police Reserve/Directorate of Criminal Investigation without favour or affection, malice or ill will; that I will at all times do my utmost to reserve the peace and to prevent offences against the peace; that while I shall continue to hold the said office, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law and will not; I will subject myself to the Constitution, all Acts, orders and regulations now or in future in service relating to my service in the Kenya Police Service/Kenya Administration Police/Reserve; and that I will discharge all the duties of a-police officer according to law, without fear, favour, affection or ill-will. (SO HELP ME GOD).

OATH/AFFIRMATION OF SECRECY

I (full names) DO HEREBY SWEAR BY THE ALMIGHTY GOD/SOLEMNLY AND SINCERELY AFFIRM THAT I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf or under the direction of the National Police Service or by reason of any office or employment held by me pursuant to the National Police Service Act. SO HELP ME GOD.

FIFTH SCHEDULE [Section 59(2).]

ARREST AND DETENTION RULES

1. In the performance of the functions and exercise of the powers of arrest and detention set out in the Constitution and this Act or any other law, a police officer shall carry out an arrest and detention only as provided for in law.
2. A police officer shall accord an arrested or detained person all the rights set out under Articles 49, 50 and 51 of the Constitution.
3. Force shall only be used in accordance with the Sixth Schedule.
4. Every police station shall have a lock-up facility for detaining arrested persons.
5. A lock-up facility shall have—

(a) hygienic conditions conducive for human habitation;

- (b) adequate light, toilet and washing facilities and outdoor area;
 - (c) men and women will be kept separately;
 - (d) juveniles and children will be kept separately from adults; and
 - (e) police detainees will be kept separately from convicted prisoners.
6. A police officer shall only carry a firearm into a lock-up in accordance with the law.
7. A detained person shall be entitled to enjoy all the rights that do not relate to the restriction of liberty.
8. A police officer in charge of a police station or other place of detention shall—
- (a) maintain a register into which the following particulars in respect of detained persons shall be entered—
 - (i) name;
 - (ii) reasons for the arrest and detention;
 - (iii) date and time of the arrest and detention;
 - (iv) date and time of first appearance before a court;
 - (v) identity of the arresting officer;
 - (vi) date and time for interrogations and identity of interrogators;
 - (vii) date and time of any transfer of the detainee to another place of detention.
 - (b) appoint an officer who shall be responsible for the detainees' welfare and for updating the register.
9. A detained person shall have the right to—
- (a) communicate with and receive visits of members of the family subject only to reasonable conditions and restrictions (when exceptional needs of the investigation so require) which shall be spelt out in the Standing Orders subject to the approval from the Ministry;
 - (b) inform family members of the arrest and detention and place of detention;
 - (c) access to doctors and general medical assistance when required; and
 - (d) lodge complaints against ill-treatment and the right to compensation, which shall be investigated by the Independent Policing Oversight Authority, but in any event never by officers from the respective police station.
10. No detained person shall be held in any other place except a designated lock-up facility.
11. A lock-up facility shall be open for inspection, including unannounced visits

by both the Independent Police Oversight Authority and the Cabinet Secretary or their representatives.

12.

(1) In the case of unannounced visits contemplated in paragraph 11—

- (a) officers responsible for the facility shall cooperate fully with the persons making the visit;
- (b) recommendations may be made for improvement, which shall be binding upon the Police;
- (c) the detained person shall be entitled to communicate freely and confidentially with persons making the visit.

(2) Any officer referred to in sub-paragraph (1) who fails to comply with the requirements set out therein commits an offence.

13. Whenever a detained person dies in custody, the officer in charge shall notify the Independent Police Oversight Authority and any other body required by law to be so notified for purposes of investigations.

14. A police officer who contravenes the provisions of this Schedule shall be personally guilty of a disciplinary offence and may be tried for a criminal offence.

SIXTH SCHEDULE

[Sections 61(2), Act No. 11 of 2014, s. 54.]

A – CONDITIONS AS TO THE USE OF FORCE

1. A police officer shall always attempt to use non-violent means first and force may only be employed when non-violent means are ineffective or without any promise of achieving the intended result.
2. The force used shall be proportional to the objective to be achieved, the seriousness of the offence, and the resistance of the person against whom it is used, and only to the extent necessary while adhering to the provisions of the law and the Standing Orders.
3. When the use of force results in injuries—
 - (a) the police officers present shall provide medical assistance immediately and unless there are good reasons, failing to do so shall be a criminal offence; and
 - (b) shall notify relatives or close friends of the injured or affected persons.
4. A police officer who uses any form of force shall immediately, report to the officers' superior explaining the circumstances that necessitated the use of force and the supervisor shall judge the rightfulness and decide on the next step, subject to these regulations.
5. Any use of force that leads to death, serious injury and other grave consequences shall be reported immediately by the officer in charge or another direct superior of the person who caused the death or injury, to the Independent Police Oversight Authority who shall investigate the case.
6. The Inspector-General shall not be precluded by virtue of paragraph (5) from conducting investigations into the matter.

7. A police officer who makes a report to the Independent Police Oversight Authority in accordance with paragraph (5) shall—
 - (a) secure the scene of the act for purposes of investigations; and
 - (b) notify the next of kin, their relative or friend of the death or injury as soon as reasonably practical.
8. It shall be a disciplinary offence for a police officer to fail to report in accordance with these regulations.
9. An officer shall not tamper or otherwise damage any evidence from the scene of the act.
10. A Police officer in uniform shall at all times affix a nametag or identifiable Service number in a clearly visible part of the uniform
11. Following the orders of a superior is no excuse for unlawful use of force.
12. The Cabinet Secretary responsible for Internal Security and the Inspector-General shall make regulations for giving further direction on the lawful use of force, and the regulations shall include, among other things—
 - (a) a list of lawful means to use force;
 - (b) training requirements to be allowed to use these means;
 - (c) procedures for reporting the use of the means of force, indicating whether the use of such means was necessary or not.

B – CONDITIONS AS TO THE USE OF FIREARMS

1. Firearms may only be used when less extreme means are inadequate and for the following purposes—
 - (a) saving or protecting the life of the officer or other person;
 - (b) in self-defence or in defence of other person against imminent threat of life or serious injury;
 - (c) protection of life and property through justifiable use of force;
 - (d) preventing a person charged with a felony from escaping lawful custody; and
 - (e) preventing a person who attempts to rescue or rescues a person charged with a felony from escaping lawful custody.
- ~~2. An officer intending to use firearms shall identify themselves and give clear warning of their intention to use firearms, with sufficient time for the warning to be observed, except—~~
 - (a) where doing so would place the officer or other person at risk of death or serious harm; or
 - (b) if it would be clearly inappropriate or pointless in the circumstances.

3. A police officer shall make every effort to avoid the use of firearms, especially against children.
4. Any use of firearm, even if there's no injury, shall immediately be reported to the officer's superior.
5. Any use of fire arms that leads to death, serious injury and other grave consequences shall be reported by the officer in charge or another direct superior of the person who caused the death or injury, to the Independent Police Oversight Authority who shall investigate the case.
6. The Inspector-General is not precluded by virtue of paragraph (4) from conducting investigations into the matter.
7. A police officer who makes a report to the Independent Police Oversight Authority in accordance with paragraph (4) shall—
 - (a) secure the scene of the act for purposes of investigations; and
 - (b) notify the next of kin, their relative or friend of the death or injury as soon as reasonably practical.
8. The Cabinet Secretary in consultation with the Inspector-General shall make further regulations on the use of firearms which shall include regulations—
 - (a) that specify the circumstances under which police may carry firearms and the type of firearms and ammunition permitted;
 - (b) that prohibit firearms and ammunition that cause unwarranted injury or present unwarranted risk;
 - (c) to regulate the control, storage and issuing of firearms, including procedures that ensure that officers are accountable for the weapons and ammunition issued to them (in principle; don't allow to take fire arms home and officers are provided by their superior with a fixed amount of ammunition and have to explain at any time when requested if bullets are missing);
 - (d) for the selection, training and testing of officers authorised to carry firearms including techniques that could diffuse tension and reduce the likelihood of the need to use force in order to ensure that firearms are used appropriately and with the least risk of causing unnecessary harm;
 - (e) to provide for testing of officers carrying fire arms at regular intervals, but at least once a year;
 - (f) and provide for consequences when failing the test referred to under paragraph (e) which shall at least include that failing to pass the test shall result in losing the right to carry fire arms until the officer does pass the test; and
 - (g) provide for a reporting system whenever officials use firearms in the performance of their duty.

C – SPECIFIC RESPONSIBILITIES OF SUPERIORS

1. Superior officers should do everything in their power to prevent unlawful

use of force or firearms, and when such unlawful use of fire arms does occur, they should report this immediately to the Independent Police Oversight Authority and to the Inspector-General.

2.
 - (1) Refusing to carry out orders that include unlawful use of force should not be penalized and should not be a disciplinary offence.
 - (2) Giving an order that would lead to the unlawful use of force is a disciplinary offence and may amount to a criminal offence.
 - (3) The station commander, or any other relevant direct superior, shall, immediately after the death or serious injury of a person who at the time of his death or injury, was in police custody or under the control of the Police or in any way the death or serious injury was the result of police action or inaction which includes anyone who may have been injured or killed being a bystander during a police operation—
 - (a) take all steps to secure evidence which may be relevant to that death;
 - (b) immediately report the case to the Independent Police Oversight Authority, using the means of communication that guarantee there will be the least delay, and confirm this in writing no later than within 24 hours after the incident;
 - (c) supply the Independent Police Oversight Authority with evidence of and all other facts relevant to the matter, including, if available, the names and contact details of all persons who may be able to assist the Independent Police Oversight Authority should it decide to conduct an investigation; and
 - (d) non-compliance with the above shall be an offence.

D – PREVENTING ESCAPE

1. A police officer may use instruments of restraint to prevent the escape of a detainee or prisoner—
 - (a) to prevent the escape of a detainee; and
 - (b) to prevent the detainee from self-injury or injuring others or damaging property.
2. An instrument of restraint may—
 - (a) not be applied for longer than necessary to secure the purpose for which it is used;
 - (b) not be used as a punishment; and
 - (c) shall be removed immediately after the purpose for which it is used is achieved.

SEVENTH SCHEDULE [Section 84(2).]

MATTERS TO BE INCLUDED IN THE RULES OF A POLICE ASSOCIATION

1. The name of the Association and the place of meeting for its business.
2. The objects for which the Association is to be established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the Association.
3. The manner of making, altering, amending and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a trustee, treasurer and other officers.
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
6. The inspecting of books and names of members of the Association and the general conduct of elections.
7. The manner of dissolution.
8. The protection of voting rights of members of the Association and the general conduct of elections.
9. The powers, duties and functions of the Executive Committee of the Association.
10. Method to resolve disputes between the members of the Association and the members of the Executive Committee.
11. The prohibition against admission to membership with respect to a police officer who is a member of an appropriate recognized association.

EIGHTH SCHEDULE

[Section 88(2), Act No. 11 of 2014, s. 55.]

OFFENCES AGAINST DISCIPLINE

1. It shall be an offence against discipline for any police officer to—
 - (a) unlawfully strike, or use or threaten violence against any police officer or any other person;
 - (b) use any obscene, abusive or insulting language in any form to any police officer;
 - (c) uses threatening or insubordinate or disrespectful language, word, act or demeanour to a police officer senior to him in rank;
 - (d) cause a disturbance in any police premises;
 - (e) be guilty of drunkenness while on duty;
 - ~~(f) drink intoxicating liquor or psychotropic substances or drugs, or smoke in uniform when actively engaged on duty in a public place;~~
 - (g) willfully disobey any lawful command or order;
 - (h) absent himself without leave;
 - (i) be found sleeping while on duty;

- (j) leave his post or place of duty before he/she is regularly relieved, except in fresh pursuit of an offender who it is his/her duty to apprehend;
- (k) while under arrest or in detention, leave or escape from such arrest or detention before he/she is set at liberty by proper authority;
- (l) neglect or refuse to assist in the apprehension of any police officer charged with any offence, when lawfully ordered so to do;
- (m) resist any lawful arrest;
- (n) negligently allow any prisoner, who is committed to his charge, or whom it is his/her duty to guard, to escape;
- (o) discharge any weapon without orders or without reasonable lawful cause;
- (p) without reasonable cause, fail to attend at any parade, instruction class or court or any other duty which he is required to attend;
- (q) sell, pawn, lose by neglect, make away with or willfully or negligently damage, or fail to report any loss or damage to, any arm, ammunition, accoutrement, uniform or other article of personal issue or any vehicle or other property committed to his charge belonging to the Government or for which the Government is responsible; or
- (r) be in improper possession of any public or private property; or
- (s) commit any act of plunder or wanton destruction of any property;
- (t) be negligent in the performance of his duty;
- (u) appear on duty untidy or dirty in his/her person, arms, clothing or equipment;
- (v) make or sign any false statement in any document or official record;
- (w) without proper authority, disclose or conveys any information concerning any investigation or other police matter;
- (x) malingering, or feign any disease or infirmity;
- (y) knowingly and willingly transmit any venereal disease or HIV/AIDS;

- (z) without proper authority demands or exacts from any person any carriage, portorage or provisions;
- (aa) commit an act which amounts to corruption under any law in force in Kenya;
- (bb) make any false statements upon joining the Service; or
- (cc) refuse or neglect to make or send any report or return which it is

his duty to make or send; or

- (dd) knowingly make any false accusation or complaint or statement against any police officer or other person, affecting the character of such person, or willfully suppress any material fact;
- (ee) without lawful excuse break out of police barracks, quarters, lines or camp;
- (ff) make or sign any false statement in any document or official record; or
- (gg) act or behave in a manner that constitute cowardice under the Standing Orders;
- (hh) willfully disobey, whether in hospital or elsewhere, any order and so cause or aggravate any disease or infirmity; or delay its cure;
- (ii) knowingly make a false statement affecting the character of such police officer or other person or willfully suppress any material fact;
- (jj) be engaged in any other gainful employment or office without the authority of the Commission;
- (kk) block or interfere with communication;
- (ll) commit an act which amounts to hate speech under section 13 and 62 of the National Cohesion and Integration Commission Act.

Except for some material which is expressly stated to be under a specified Creative Commons license, the contents of this website are in the public domain and free from any copyright restrictions

- [Home](#) |
- [About Us](#) |
- [Our Partners](#) |
- [Careers](#) |
- [Contact Us](#) |
- [Sitemap](#) |

Follow us:

