



“appeal” means an application seeking for a reversal of a decision or action that has been taken against a member of the National Police Service;

“authorized officer” means the Inspector General or an officer, not below the rank of inspector of police, who may initiate disciplinary action against another officer;

“appropriate disciplinary board” means the National Police Service Disciplinary Board to deal with disciplinary issues relating to officers of the rank of Assistant Superintendent and above, and the Subordinate disciplinary board to deal with disciplinary issues relating to officers of the rank of Chief Inspector and below.

“disciplinary action” means imposition of any punishment against a police officer on account of misconduct;

“disciplinary proceedings” means proceedings under Part IX of the National Police Service Act;

“dismissal” means an order to a member of the Service to leave the Service on disciplinary grounds and resulting in the loss of the right to a pension or any benefit;

“interdiction” means an administrative measure where an officer is ordered to discontinue his or her duties for a period of time and which may result in disciplinary action;

“investigation” means an inquiry into a complaint or report with a view to determine or disclose if an offence against discipline has occurred.

“misconduct” means any action, or failure or refusal to act, which although it may not necessarily constitute a contravention of law, does not meet—

- (a) the requirements or norms of policing contained in any regulation or official document, charter, standing orders or policy providing for standards of discipline, behaviour or ethics, rules of engagement, rules on the use or abuse of power or rules and regulations on the use of equipment, applicable to members of the Service;
- (b) the values and norms applicable to policing in a democratic society and in particular those laid down in Articles 10, 232 and 244, of the Constitution and any law relating to ethics and leadership; or
- (c) applicable norms and standards provided for in international instruments applicable to Kenya;

“reinstatement” means a person is taken back in the Service on his or her former position, after having been interdicted or suspended;

“removal” means cessation from being employed by the National Police Service with or without a disciplinary process, with or without loss of pension benefits and it includes resignation, dismissal and retirement;

“resignation” means that the member of the Service voluntarily leaves from the Service in accordance with section 76 of the National Police Service Act;

“suspension” means the disciplinary action where an officer is required to discontinue performing his or her usual role for a period of time.

---

“review” means an application lodged with the National Police Service Commission, seeking for a reconsideration of a decision or action that has been taken against a member of the National Police Service;

**PART II—DISCIPLINE**

Disciplinary control by the Commission.

3. (1) The Commission exercises disciplinary control over the Service.

(2) In these Regulations 'disciplinary control' includes—

- (a) the development and prescription of fair and clear disciplinary procedures and mechanisms in accordance with Article 47 of the Constitution;
- (b) ensuring compliance with the prescribed disciplinary procedures and guidelines by the Inspector-General;
- (c) ensure compliance with the due process in disciplining members of the Service;
- (d) receiving of regular reports from the Inspector-General on disciplinary matters handled by the National Police Service;
- (e) review or ratification of disciplinary actions taken by the Inspector-General; and
- (f) hearing and determining appeals from the members of the Service.
- (g) Observing due process, removing persons holding or acting in offices within the Service

(3) The Commission shall establish procedures applicable in the conduct of disciplinary proceedings and shall ensure compliance with such procedures.

(4) Every disciplinary process shall observe due process as provided under Article 47 and Article 246 (3) (b) of the Constitution.

General principles.

4. (1) The objective of discipline is to ensure that every officer follows lawful orders of their superiors and adhere to the Constitution, laws, principles and professional standards and values of the Police Service, Regulations, Standing Orders and the officer held accountable where the officer fails to do so.

(2) Discipline of any officer shall comply with Part X of the National Police Service Act.

(3) Disciplinary proceedings are aimed at shielding the National Police Service from interference outside the command structure and maintain discipline in the Service while at the same time ensuring officers are held accountable for offences against discipline.

(4) Disciplinary proceedings shall observe due process and ensure that administrative action taken is expeditious, efficient, lawful, reasonable, procedurally fair and that uniform procedures are adopted in the treatment of offences against discipline.

(5) Disciplinary proceedings shall be carried out within the rules of natural justice and fair administrative action.

(6) Disciplinary action taken for any offences against discipline committed by any officer shall take into consideration that any disciplinary action taken is commensurate with the offence committed.

Disciplinary proceedings

5. (1) The Inspector-General may initiate disciplinary proceedings directly or through an authorized officer, or through the appropriate Disciplinary Boards, as stipulated in these regulations, against any member of the Service and shall do so in accordance with these regulations and guidelines issued by the Commission and in accordance with the Service Standing Orders.

(2) Where a complaints or reports against a police officer disclose offences against discipline, appropriate disciplinary action may be taken by the Inspector General or the authorized officer in accordance with due process.

(3) Where disciplinary proceedings are initiated by the Inspector General or by an authorized officer, such initiation shall be notified to the Commission for record and monitoring purposes.

(4) A police officer who commits an offence against discipline is liable to:

- (a) reprimand;
- (b) suspension;
- (c) confinement to barracks or police residential quarters;
- (d) reduction of salary by not more than one third of the basic salary for a period not exceeding three months;
- (e) a fine not exceeding a third of basic salary.
- (f) an order of restitution;
- (g) stoppage of salary increments for a period of time, but not exceeding one year;
- (h) reduction in rank;
- (i) dismissal from the Service;
- (j) any combination of the punishments provided under this section;

(5) The sanctions under sub-regulation (3) (f), (g), (h), (i) and (j) shall only take effect after approval and confirmation by the Commission.

(6) In the awarding of disciplinary actions for offences against discipline stipulated in the National Police Service

---

Act and the Service Standing Orders, the scale of punishment to be awarded, shall take into account the following:-

- (a).the circumstances in which the offence was committed and the gravity thereof,
- (b).the seniority and length of service of the offender,
- (c).the previous record and conduct of the offender,
- (d).Statement in mitigation.

(7) The presiding officer on the subordinate disciplinary board 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 where applicable.

(8) In furtherance of section 88 (4) of the National Police Service Act, the Commission may take disciplinary action and conduct disciplinary proceedings in accordance with these regulations, for offences against discipline, against a police officer who is charged of a criminal offence regardless of whether the criminal proceedings lead to a conviction or acquittal.

(9) Where an officer commits a criminal offence, the Inspector General or authorized officer shall interdict the officer as per the provisions of these regulations and the Service Standing Orders and shall immediately inform the Commission of such interdiction.

Retirement on grounds of public interest

6. (1) If the Inspector General after having considered every report in its possession made with regard to an officer, is of the opinion that it is desirable, in the public interest, that the service of the officer be terminated on grounds which cannot suitably be dealt with under any provision in these Regulations or the Service Standing Orders, the Inspector General shall notify the officer in writing specifying the complaints by reason of which the officer's retirement i

---

the public interest is being contemplated, together with the substance of any report or part thereof that is detrimental to the officer.

(2) If after giving the officer an opportunity to show cause why the officer should not be retired in the public interest the Inspector General is satisfied that the officer should be required to retire in the public interest, the Inspector General shall forward to the Commission the report on the case, the officer's reply, the Deputy Inspector General's or Director of the Directorate of Criminal Investigation's comments, where applicable and the Inspector General's comments and the Commission shall determine whether the officer should be required to retire in the public interest.

Review and confirmation  
and by the Commission.

7. (1) Any disciplinary action taken by the Inspector -General or other authorized officer shall be subject to review and confirmation by the Commission in accordance to these regulations.

(2) If upon reviewing a disciplinary action taken by the Inspector General or an authorized officer, the Commission finds that disciplinary measures taken are not commensurate with the disciplinary offence, the Commission shall make recommendations to the Inspector General on the required corrective action to be taken.

(3) Manifestly unjust, unfair or oppressive disciplinary proceedings or that which amount to an abuse of the disciplinary process may lead to disciplinary proceedings against the authorized officer responsible.

(4) The Commission may cause further investigations where necessary in a bid to confirm that the disciplinary action meted on an officer was commensurate to the offence committed..

(5) The Commission in reviewing a disciplinary measure taken against an officer shall be at liberty to review the process and

outcome of an investigation and the recommended punishment.

(6) An officer under investigation, depending on the nature of the case, may be interdicted during the pendency of the investigation and may be liable to imposition of disciplinary action, if any, or pending the conclusion of a criminal matter.

(7) An interdiction of an officer shall not be taken to mean removal from office.

(8) An interdicted officer shall continue to be subject to all laws, regulations, standing orders and guidelines that are obtaining in the Service.

(9) While a police officer is interdicted from duty, the police officer's powers, privileges and benefits as a police officer shall be restricted, but the officer shall continue to be subject to the same discipline and penalties, and to the same authority, as if the officer had not been interdicted or suspended.

(10) An officer who has been interdicted from duty will be entitled to half salary as well as to remain in the accommodation as provided to the officer.

(11) Notwithstanding sub-regulation 10, during an officer's interdiction or suspension as the case may be, the officer may be required to proceed to his home area and to report to the local police station or post as prescribed in the Service Standing Orders.

- Complaints against police
8. (1) The disciplinary process may commence upon occurrence of incidents that include any of the following:
- (a) a complaint from a member of the public;
  - (b) a complaint from a member of the Police Service;

- (c) a complaint from a state organ
- (d) an anonymous witness statement or other statement made for another investigation not necessarily commenced for purposes of Police Service matters;

(2) Where any of the incidents listed in subsection (1) occur, such complaint will be promptly investigated by the most senior officer available directly or through an authorized officer as prescribed in the Service Standing Orders.

(3) In exceptional circumstances, where the offence against discipline is clearly manifest as to render investigations unnecessary, the officer in charge may immediately issue a notification to the appropriate disciplinary board to conduct the disciplinary proceedings.

(4) During the investigation, statements may be collected from the complainant, any witnesses available if any and from the officer accused in the complaint..

(5) Where the complaints or reports and investigation thereof disclose offences against discipline, the investigations report along with a notification shall be forwarded to the appropriate disciplinary board to commence disciplinary proceedings.

(6) The appropriate disciplinary board will upon conclusion of the disciplinary proceedings make a recommendation to the Inspector General or authorized officer on the disciplinary action to be taken.

(6) Upon conclusion of the disciplinary proceedings and receipt of the recommendations of the appropriate disciplinary board, action may be taken by the Inspector General or the authorized officer in accordance with due process and the Service Standing Orders.

(7) Investigations into complaints against police shall be notified to the Internal Affairs Unit upon commencement of the

investigations.

(8) Where investigations under this section disclose offences against discipline, the officer in charge shall be required to inform the Internal Affairs Unit of the notification issued to the appropriate disciplinary board to conduct proceedings to enable a record of the same to be maintained.

(9) Where an officer accused in a complaint admits to an offence against discipline, appropriate disciplinary proceedings shall be taken by the appropriate disciplinary board.

(10) An authorized officer may, subject to these Regulations and any other applicable procedure, take corrective action immediately against an officer who is manifestly culpable of a disciplinary offence pending the disciplinary proceedings before the appropriate disciplinary board in accordance with these regulations and the Service Standing Orders.

Cooperation with other agencies

9. (1) Officers in charge and seniority shall be required to cooperate with the Internal Affairs Unit, the Independent Policing Oversight Authority and other investigative agencies during the course of any disciplinary process.

(2) Authorized officers conducting investigations into complaints against police shall be required to conduct the investigations expeditiously and to issue monthly reports on the findings of investigations to the Internal Affairs Unit for their record and other purposes in line with their mandates.

(3) The Internal Affairs Unit shall be required to submit quarterly reports to the Commission through the Inspector General of all complaints and outcomes of investigations conducted by the Unit and reported from various field reports.

10. (1) An officer found guilty of a disciplinary offence shall



Commencement of disciplinary proceedings

- 11.** (1) Disciplinary proceedings before the Disciplinary Boards against an officer would be initiated upon:—
- (a) Notification from the officer's immediate supervisor
  - (b) recommendation from the Internal Affairs Unit of the National Police Service
  - (c) recommendation from Independent Policing Oversight Authority
  - (d) adverse mention in a report of a parliamentary committee, committee of inquiry, the Auditor General, the Directorate of Criminal Investigations, the Directorate of Public Prosecutions, the Ethics and Anti-Corruption Commission, the Commission on Administrative Justice, or any other official inquiry or investigation; or
  - (e) where an officer is caught in the act committing an offense against discipline;
  - (f) any other similar ground.

Establishment and composition of the National Police Service Disciplinary Board

- 12.** (1) Pursuant to section 95A of the National Police Service Act, there is established the National Police Service Disciplinary Board.
- (2) Where a hearing is for purposes of the discipline of an officer of the rank of Assistant Superintendent and above, the Disciplinary Board shall be convened to inquire into and hear the disciplinary proceedings.
- (3) The Disciplinary Board shall consist of-
- (a) A person qualified to be appointed as a Judge of the High Court, 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 of ranks not below the rank of Assistant Inspector General;

(ii) two members representing the Administration Police Service of ranks not below the rank of Assistant Inspector General;

(iii) one member representing the Directorate of Criminal investigations of a rank not below Assistant Inspector General

(4) In the event that the officer accused of committing an offence against discipline is of a rank higher than the ranks of the officers appointed to the Board, the Commission shall appoint the members to conduct the hearing of the officer in question taking seniority into account.

(5) There shall be an officer authorized to present the circumstances and evidence of the offence against discipline regarding the accused officer before the Disciplinary Board.

(6) The officer accused of an offence against discipline appearing before the Board may be represented by a police officer, who shall not be of a rank higher than the accused officer's rank, to conduct his defence.

(7) Notwithstanding sub-regulation (6) the Board may require the officer to make submissions in person during the hearings.

(8) The disciplinary board may decline the officer selected by the accused officer giving reasons for the refusal and accord the accused officer an opportunity to select a different officer.

Members and term of the  
Disciplinary Board

**13.** (1) The chairperson and the members of the disciplinary board, shall serve on a part-time basis and convene when relevant disciplinary matters require their attention.

(2) A member appointed into the disciplinary board under regulation 12 shall serve on the Board for a renewable term of two years.

- (3) The membership of the Board shall ensure that as far as is practicable no more than two thirds of the membership shall be of the same gender.

Functions of the  
Disciplinary Board

**14.** The Functions of the Disciplinary Board shall be to conduct the following, in accordance with these regulations:

- (1) Inquire into matters related to discipline for officers of the rank of or above Assistant Superintendent;
- (2) In conducting an inquiry under subsection (1), the Board may engage the services of any person or institution with expert knowledge in the matter to which the inquiry relates.
- (3) Undertake disciplinary proceedings in accordance with these regulations;
- (4) Determine and make recommendations to the Commission, including recommendations for dismissal from the Service.
- (5) A police officer aggrieved by the Disciplinary Board's proceedings and recommendations may appeal to the Commission in accordance with these regulations and the Service Standing Orders.
- (6) An officer aggrieved by the Commission's decision following the recommendations of the Disciplinary Board may apply to the Commission for a review in accordance with these regulations.

Subordinate Disciplinary  
Boards

**15.** (1) Where a hearing is for purposes of the discipline of an officer of the rank of Chief Inspector and below, a Subordinate Disciplinary Board shall be constituted to inquire into and hear the disciplinary proceedings.

- (3) The Subordinate Disciplinary Board shall be composed of—

- (a) a presiding officer, being an officer who is appointed as a presiding officer, and shall be of a rank not below the rank of Inspector and not of or below the rank of the accused officer;
  - (b) an assistant presiding officer appointed by the immediate overall Service commanding officer, as prescribed in the Service Standing Orders;
  - (c) an officer appointed by the immediate overall Service commanding officer to observe the proceedings, who shall not be of a rank lower than the accused officer.
- (4) During the hearings of the Subordinate Board, there shall be:
- (a) an officer prosecuting the offence being an officer authorized to inquire into offences against discipline and shall be of a rank higher than the accused officer but not of a rank higher than the presiding officer;
  - (b) the officer conducting the defence of the accused officer being an officer who shall not be of a rank higher than the presiding officer;
- (5) The accused officer may be accompanied by another officer of his choice for assistance and support provided such an officer is not of a senior rank to the presiding officer;
- (6) A police officer aggrieved by the Subordinate Disciplinary Board's decision may appeal first at the County or Formation or Unit, then to the respective Deputy Inspector General or Directorate of Criminal Investigations, then to the Inspector General in accordance with these regulations and the Service Standing Orders.
- (7) A further appeal shall lie with the Commission in accordance with these regulations and the Service Standing Orders.

Conduct of Disciplinary proceedings and hearings

- 16.** (1) Disciplinary proceedings shall be conducted in accordance with these Regulations and the Service Standing Orders and any guidelines issued by the Commission from time to time.
- (2) Where an offence against discipline is committed by an officer, the officer's supervisor may take immediate corrective action where necessary, pending the commencement of disciplinary process.
- (3) In all disciplinary proceedings, the accused officer shall be notified of the offence accused of having committed and shall be accorded an opportunity of at least 14 calendar days within which to show cause why disciplinary action should not be taken against the officer.
- (4) Where a disciplinary hearing is scheduled, an officer accused of a disciplinary offence shall be given at least 7 calendar days notice before the date of the hearing.
- (5) In exceptional circumstances, the notice under sub-regulation (4) may be waived and the hearing held in accordance with the Service Standing Orders.
- (6) Where sub-regulation (5) is invoked, the presiding officer shall be required to make written record of the reason for such waiver.
- (7) Where an officer fails to attend a disciplinary hearing despite evidence of notification of the date, venue and time of the hearing:
- a) The disciplinary hearing may proceed in the absence of the accused officer.
  - b) The absent officer shall be required to give written reasons for his or her absence from the proceedings.
  - c) The appropriate disciplinary board may upon conclusion of the hearing issue a determination of

the disciplinary action to be taken. Such determination shall be put on record and taken immediately.

- (8) Where applicable or relevant, the officer who is the subject of the hearing may call witnesses or other evidence on his or her behalf, at the officer's own cost.
- (9) The disciplinary hearings before the Boards shall be conducted expeditiously and without undue delay or technicalities and any delay in the disposal of the proceedings beyond twenty eight days shall be reported to the Commission together with the reasons for such delay.
- (10) The recommendations of the Disciplinary Board shall be forwarded to the Commission for confirmation and approval. The Commission will then communicate the disciplinary action to be taken on the officer through the Inspector General.
- (11) The recommendations of the Subordinate Disciplinary Board shall be forwarded to the Inspector General or authorized officer as prescribed in the Service Standing Orders, for confirmation and approval. The Inspector General or authorized officer will then communicate or implement, where applicable the disciplinary action to be taken on the officer through the Inspector General, taking into consideration regulation 10 of these regulations.

Action by Commission on review.

**17.** (1) The Commission shall ascertain whether the correct procedures as prescribed in these regulations, the Service Standing Orders and Guidelines have been followed and whether correct disciplinary measures have been taken.

(2) Where the Commission reviews a disciplinary case, it may take any of the following actions—

- (a) uphold the decision;
- (b) set aside the decision;
- (c) vary the decision as it considers to be just;
- (d) make such directions as it may considers appropriate, with respect to the decision;
- (e) make any decision for refund, reinstatement of remuneration or release of withheld payment due to an officer as it considers to be just;
- (f) direct that disciplinary action be taken against any authorizing officer or other person within the Service who has failed to discharge a duty he or she that was under obligation to discharge in relation to the disciplinary case; or
- (g) make any other appropriate decision in view of the circumstances of the case.

Record of disciplinary cases generally.

**18.** (1) The Commission shall keep records, and include in its annual report, the number of members of the police service who were subjected to the disciplinary process, the type of offences and the disciplinary action taken,

(2) The record referred to in subsection (1), shall include—

- (a) the outcome of all reviews and appeals of cases by the Commission and the Service;
- (b) information about misconduct which the officer is accused of;
- (c) the punishment imposed;

- (3) The Inspector General shall be required to submit monthly reports to the Commission of all disciplinary proceedings and action taken against officers accused of offences against discipline, for purposes of maintaining this records and conducting any further action as may be required.

Power of review by the Commission of its decisions.

**19.** (1) Where disciplinary hearing has been conducted before the Commission itself, the person aggrieved by the decision of the Commission may apply to the Commission to review that decision.

(2) Where the Commission has confirmed or determined action to be taken on an officer following recommendations of the disciplinary board. An officer aggrieved by the decision of the Commission may apply to the Commission to review that decision.

(3) An application for review shall be in writing and be made within thirty days, of the disputed decision.

(4) An application for review to the Commission shall be required to be confined to any of the following grounds:

(a) an error on the face of the record.

(b) a new and important matter that was not considered by the Commission's disciplinary panel in conduct of the officer's proceedings.

(5) The Commission, where applicable may deal with a review by way of written submissions between the officer and the Commission or through oral hearing or both.

(6) Where the application for review is to the Commission and the matter is to be handled through a hearing;

(a) the Commission shall establish a panel to hear the case;

(b) the composition shall depend on the gravity of the case and the rank of the officer involved and shall be comprised of members including:

(i) a Commissioner to chair the panel;

(ii) an officer from the same Service as the officer applying for review, designated by the Inspector General in consultation with the respective Deputy Inspector General or Director of the Directorate of

Criminal Investigations;

(iii) one human resource officer from the Service of the concerned officer;

(iv) any other officer(s) who possesses the knowledge and skills that are found necessary for the functions of the Panel.

(c) The panel shall consider the review application within 21 days and make recommendations to the Commission for the Commission's consideration and final decision.

(d) The decision and reasons for the decision shall be submitted to the officer by the Commission, through the Inspector General within 14 days of the receipt of the panel's recommendations.

Appeals

**20.** (1) Where a disciplinary hearing has been conducted by the Disciplinary Board, the officer aggrieved by the decision of the Disciplinary Board may appeal to the Commission.

(2) Where a disciplinary hearing has been conducted by the Subordinate Disciplinary Board, the officer aggrieved by the decision of the Board may appeal to the designated appellate authority as prescribed in the Service Standing Orders.

(3) Where an officer is aggrieved by the decision from the designated appellate structures prescribed in the Service Standing Orders, the officer shall have an opportunity to appeal with the Commission.

(4) An appeal to the Commission shall be required to be confined to any of the following grounds:

(a) an error on the face of the record.

(b) a new and important matter that was not considered by the disciplinary boards in conduct of the officer's proceedings.

Status of the officer  
during Review and  
Appeals

**21.** A request for review or an appeal of the decision or sentence awarded against an officer shall act as a stay of the decision of the Disciplinary Boards or of the Commission, where applicable, but the officer in question may be required to proceed on leave for the duration on the review or appeal.

Appeal procedures

**22.** (1) An appeal to the Commission or to the designated appellate authority within the Service, as the case may be, shall be in writing and be made within fourteen days, of the decision appealed against.

(2) An officer appealing within the Service designated appeal authorities shall submit a copy of the appeal to the Inspector General and to the respective Deputy Inspector General of the officer's Service and to the Commission for record and monitoring purposes.

(3) The designated appellate body as per the Service Standing Orders or the Commission, as the case may be, may accept an appeal out of time when there is good reason to do so or in the interest of justice, and the reasons have clearly been provided by the officer in writing.

(4) The designated appellate body as per the Service Standing Orders or the Commission, as the case may be, may deal with an appeal by way of written submission by the parties or through oral hearing or both.

(5) Where the appeal is to the Commission and the matter is to be handled through a hearing;

(a) the Commission shall establish a panel to hear the case.

(b) the composition shall depend on the gravity of the case and the rank of the person involved and shall be comprised of:

(i) a Commissioner to chair the panel

(ii) an officer from the same Service as the officer appealing, designated by the Inspector General in consultation with the respective Deputy Inspector General or Director of the Directorate of Criminal Investigations

(iii) one human resource officer from the Service of the concerned officer.

(iv) any other officer(s) who possesses the knowledge and skills are found necessary for the functions of the Panel.

(c) The panel shall consider the matter within 21 days and make recommendations to the Commission for the Commission's consideration and final decision.

(d) The decision and reasons for the decision shall be submitted to the officer by the Commission, through the Inspector General within 14 days of the receipt of the panel's recommendations.

Decision of the Review or  
Appeal panels

- 23.** (1) The Review or Appeal panels, as the case may be, shall deliver its decision within seven days of the conclusion of the hearing and may, in respect of a decision appealed against recommend the Commission or the Inspector General, where applicable, —
- (a) uphold the decision;
  - (b) set aside the decision;
  - (c) vary the decision as it considers to be just;
  - (d) make such directions as it may considers appropriate, with respect to the decision;
  - (e) make any decision for refund, reinstatement of remuneration or release of withheld payment due to an officer as it considers to be just;
  - (f) direct that disciplinary action be taken against any authorizing officer or other person within the Service who has failed to discharge a duty he or she that was under obligation to discharge in relation to the disciplinary case; or
  - (g) make any other appropriate decision in view of the circumstances of the case.
- 24.** While carrying out the actions prescribed in these regulations, the Commission in the performance of its functions shall:
- (a) inform itself in such a manner as it thinks fit
  - (b) receive written or oral statements
  - (c) not be bound by strict rules of evidence
  - (d) cooperate with other State agencies, departments or Commissions on any matter that the Commission considers necessary.
- 25.** The Commission shall issue guidelines for the better carrying out of disciplinary processes and proceedings.
- 26.** The Commission may revise these regulations from time to time

**Dated** 2014

*Johnston Kavuludi,  
Chairperson, National Police Service Commission*

*Issues in the guidelines to be issued by the Commission will include:*

- *Rules of procedure of the Disciplinary Board*
- *schedule of penalties*
- *prescribed forms/formats for reprimand, suspension*
- *format and application of interdiction*
- *format and application of suspension*
- *format and application of removal and dismissal*
- *format of record keeping and submission*

**THE NATIONAL POLICE SERVICE COMMISSION ACT, 2011**

(No. 30 of 2011)

**LEGAL NOTICE NO.:** .....

In Exercise of Powers conferred by section 28 of the National Police Service Commission Act, 2011, the National Police Service Commission makes the following Regulations—

**NATIONAL POLICE SERVICE COMMISSION (TRANSFER AND DEPLOYMENT) REGULATIONS, 2015**

**PART I—PRELIMINARY**

Citation. 1. These Regulations may be cited as the National Police Service Commission (Transfers and Deployments) Regulations 2015.

Definitions. 2. In these Regulations, unless the context otherwise requires—

“assignment” means the allocation of specific duties to an officer;

“deployment” means a temporary movement, being not for more than three months, of an officer from one station to another for a specific assignment and in which, administratively, the person remains with the original station and pay point;

“posting” where an officer is allocated as his or her duty station;

“secondment” means temporary deployment of an officer outside the National Police Service with or without more responsibilities,

“transfer” means a permanent relocation of an officer to a new duty station and the officer from then onwards falls administratively under the new posting, and its respective pay point;

V. 10

Transfers:  
General

**PART II —TRANSFERS**

3. (1) Transfers of officers is a measure to ensure appropriate distribution of police officers, in order for the Service to effectively carry out its mandate.

- (2) Transfers may be occasioned by—
  - (a) a promotion;
  - (b) vacancies;
  - (c) restructuring or re-organization;
  - (d) the need to enhance efficiency and effectiveness of the Service.
  - (e) enhance exposure and career development
- (3) A transfer shall not be used as a disciplinary sanction or as a reward measure.

Authority to transfer.

- 4. (1) The authority to determine transfers belongs to the Commission, as provided for in Article 246 (3) of the Constitution.
- (2) All transfers of any officer shall be determined by the Commission upon the recommendation, from the Inspector General with the advice of the Service Board.
- (3) The Inspector General shall be responsible to determine the distribution of officers in the Service and recommend to the Commission to authorize transfers from time to time as may be desired to reach the required distribution of officers throughout the Republic.
- (4) The recommendations from the Inspector General to the Commission for the transfer of officers shall be in writing.
- (5) When considering a recommendation for transfer of an officer from the Inspector General, the Commission shall take into consideration factors including—
  - (a) the justification given for the transfer;
  - (b) the proposed transfer does not disrupt police work;
  - (c) confirmation that funds are available to pay the officer(s) transfer allowance;
  - (d) due regard is given to Articles 10 and 232 (1) (h) and (i) of the Constitution.

(6) Transfers within the county for officer in the rank of Superintendent and below may be done by the Inspector General through an authorized officer,

(7) Any transfers conducted under sub-regulation (6) above shall within 30 days of the transfer be notified to the Commission for appropriate action.

Inter-Service Transfer

- 5. (1) A Gazetted officer may apply to the Commission through the officer's Service channels to the Commission for an Inter-Service transfer.

(2) Applications for inter-service transfer shall be determined by the Commission on the recommendation of the Service Board.

(3) An application for an inter-service transfer shall be in writing and contain the officer's reasons for desiring a transfer and the officer's qualifications for the position to be undertaken.

(4) An officer's application for inter-service transfer shall be forwarded by the respective Deputy Inspector General, through the Inspector General to the Commission together with a statement disclosing:

- a) the applicant's performance of his/her duties in the last three years;
- b) an evaluation as to whether the applicant is considered to be well qualified for the post desired;
- c) the recommendations of the Deputy Inspector General as to the grant or refusal of the application.

(5) An applicant may be considered for inter-service transfer:

- a) If the officer's qualifications, experience and career progression are in accordance with the rank and position the officer is seeking;
- b) If there exists a vacancy in the receiving service;
- c) Provided the contemplated transfer would not jeopardize the promotion prospects of serving officers in the receiving service;

(6) Inter-service transfers of officers of the ranks below the rank of Inspector of Police may be arranged at the mutual discretion and concurrence of their respective Deputy Inspector General or the Director of the Directorate of Criminal Investigations and recommended to the Commission in writing through the Inspector General for determination.

Conditions for transfers **6.** (1) An officer entering the Service shall be deemed to have understood that he or she shall be required, and to have accepted, to work in any place in the Republic and transfers shall be read into the terms and conditions of employment in the Service.

(2) Transfers shall be need based and shall be carried out in such manner as not to disrupt police operations.

(3) To be considered for transfer, an officer shall have served in a duty station continuously for a minimum period of one year and a maximum period of three years.

(4) Where transfers are made considerations shall be accorded to the officer so as to ensure smooth resettlement of the officer and his or her family..

(5) The Commission and the Inspector General shall ensure that transfers are not used as an avenue for corruption and for soliciting or offering money or other services to acquire or avoid a transfer.

(6) Lobbying or canvassing for or against a transfer shall constitute a disciplinary offence.

Transfers on medical and compassionate grounds

7. Where an officer requests for a transfer or raises an objection to an intended transfer on medical or compassionate grounds, the officer shall make an application in that regard in writing for consideration by the Commission

Notification of transfer.

8. (1) An officer shall be notified of a transfer through a written notification by the Commission through the Inspector General.

(2) An officer's notification of transfer shall disclose the officer's new posting, the date of assumption of duties and details of the officer's facilitation of transfer.

## PART II — DEPLOYMENT

Authority to deploy officers  
No. of 2011

9. (1) The authority to deploy an officer lies with the Inspector-General, in accordance with section 10(1)(g) of the National Police Service Act.

(2) As and when a case may arise necessitating deployment, as shall be determined by the Inspector General, the Inspector General shall determine the deployment of officers in the Service.

(3) A deployment shall not be used as a disciplinary sanction or as a reward measure.

Period of deployment.

10. The Inspector General shall pursuant to regulation 4 recommend to the Commission such deployments in writing and the Commission shall take note of such deployments.

Transition from deployment.

**11.** (1) All deployment shall be for a period not exceeding three months.

(2) Any further extension of the deployment period by the Inspector General shall be with the approval of the Commission.

(3) At the end of the deployment period, officers shall be required to undergo debriefing sessions as determined by the Commission for purposes of transition into regular policing.

(4) Deployments of officers shall not be interpreted as a transfer.

(5) The Commission may review these regulations from time to time.

### **PART III —SECONDMENTS AND ATTACHMENTS**

**12.** Any secondment of an officer shall be done after confirmation that the institution to which the officer is seconded shall pay the costs of the service of the seconded officer.

**Made on the**

**2015**

**JOHNSTON KAVULUDI**

**Chairperson, National Police Service Commission**



than the office the member is substantively appointed to hold, while the member continues to hold the substantive appointment;

“affirmative action” has the meaning assigned thereto in Article 260 of the Constitution and includes any measure designed to overcome or ameliorate an inequity or the systemic denial or infringement of a right or fundamental freedom;

“appointment” includes acting appointment, re-appointment ;

“authorized officer” means the person Inspector General and any other officer who is authorized to initiate disciplinary action against another officer;

“merit” with reference to a person who is a candidate for a position within the National Police Service means that the person –

- (a) has abilities, aptitude, skills, knowledge, experience and personal qualities relevant to the carrying out of the duties in question;
- (b) in the case of promotions, that the officer, has performed satisfactorily in the previous post;
- (c) has the required educational qualifications;
- (d) has potential for further development;

- (e) has integrity in accordance with Chapter Six of the Constitution; and
- (f) meets the criteria as may be set out in the announcement or advertisement regarding the position in question;

“promotion” means the elevation of an officer to a higher rank, with higher pay and more responsibilities;

“review” means an assessment of a case to establish if it has been conducted in line with the policies and procedures;

Guiding principles

3. (1) The Commission shall determine all promotions within the National Police Service and these regulations establish procedures for the management of promotions and the process applicable to promotions in the Service.
- (2) All promotions in the National Police Service shall be based on merit.
- (3) Subject to compliance with the prescribed procedures for appointment, the Commission or other appointing authority shall not be required to consider more than one person in order for an appointment to be deemed to have been made on the basis of merit.
- (4) Members of the National Police Service shall be required to pass requisite examinations prior to consideration for promotions
- (5) Subject to established policies on affirmative action, all officers of the National Police Service shall be accorded equal opportunities for promotion.

Delegation to the  
Inspector General

4. (1) Promotions from the rank of Police Constable through to the rank Superintendent may be delegated to the Inspector-General in accordance with section 10 (2) of the National Police Service Commission Act.

(2) A delegation under these regulations to the Inspector General shall be in writing and subject to the conditions as may be imposed by the Commission from time to time and shall not divest the Commission of the responsibility concerning the exercise of its powers or the performance of the duty delegated.

(3) Where promotions are delegated to the Inspector General—

(a) Promotions may be commenced after written notification of the commencement of the process to the Commission;

(b) The Inspector General shall be accountable for the process to the Commission and be bound by the Commission policies, guidelines, regulations or directives.

(c) The Inspector General shall report to the Commission in writing any promotions done under delegated authority, within thirty days of the promotions.

(d) The Commission may review or revoke the promotions, where applicable, where the Commission finds any failure to adhere to the guidelines and regulations on promotions.

(4) Promotions of officers of the ranks above Superintendent shall not be delegated and shall be carried out directly by the Commission.

Maintenance of  
standards

5. The National Police Service shall maintain job descriptions and standard job specifications for all civilian and uniformed police positions as approved by the Commission and these shall be used as the basis for all promotions.

- Offence
6. It shall be a disciplinary offence to solicit or offer money or other reward in order to get or give a promotion in the National Police Service.
- Determination of promotions
7. (1) Promotions shall be—
- (a) determined by the existence of appropriate vacancies, and criteria for promotion or a promotional course;
  - (b) only be given upon successfully undergoing the necessary training required for that promotion in question;
  - (c) guided by the values set out in Articles 10 and 232 of the Constitution;
  - (d) be objective and fair, and shall include—
    - (i) merit, equity, aptitude and suitability as reflected in outstanding work performance;
    - (ii) passing the prescribed professional qualifications for the new position;
    - (iii) possession of proven experience and demonstrable milestones attained by the candidate;
    - (iv) consideration of the integrity of the candidate;
    - (v) qualification under any other relevant specific criteria as may be determined and published by the Commission.
- (2) When determining promotions, an officer's disciplinary record shall be taken into consideration.
- (3) An officer who has been found guilty of a disciplinary offence may not be considered for promotion until after the lapse of six months from the date of the disciplinary offence.

Succession  
management.

8. (1) The Commission or, as the case may be, the Inspector General, shall enhance in so far as possible, succession management by making the decision to promote an officer in anticipation of the concerned position falling vacant and not after the vacancy has already occurred.
- (2) Where a police officer has been promoted, the officer must within thirty days from the date of the promotion, be released to take up the promotion.

- 
- |  |   |
|--|---|
| Performance evaluation and appraisal.            | <p><b>9.</b> (1) In order to assess whether an officer qualifies for a promotion there shall be regular, mandatory performance appraisals in order to establish a reliable track record of an individual member of the National Police Service.</p> <p>(2) Performance management consists of such steps as the Commission may determine and publish so that this is brought to the attention of all officers.</p>  |
| Promotion Boards                                 | <p><b>10.</b> (1) The Inspector General shall through the Service Standing Orders establish boards to be known as Service Promotion Boards to advise the Commission on issues relating to promotions.</p> <p>(2) The board set up under sub-regulation (1) may comprise a member of the human resources department.</p> <p>(3) The Commission shall determine the procedure of the promotional boards.</p>  |
| Applying for a position that entails a promotion | <p><b>11.</b> (1) The Commission or the Inspector General may advertise certain vacancies as determined by the Commission that may amount to promotions of officers within the Service in line with these regulations.</p> <p>(2) A member of the Service may apply for a position in the Service that entails a promotion from his or her current position.</p> <p>(3) The provisions of these Regulations regarding the principles applicable and the procedure of applications for recruitment into the National Police Service shall, with the necessary modifications apply to promotions in the Service.</p> <p>(4) The Commission shall keep a record of every proceeding regarding a promotion of an officer.</p> |
| Alternative avenues for career development       | <p><b>12.</b> (1) The Commission may establish other human resources development mechanisms and processes to be known as</p>  |

---

horizontal career development.

(2) Horizontal career development may include a non-promotion reward scheme, where a member of the service is offered higher financial incentives and other career development opportunities and rewards irrespective of whether the member is promoted or not.

Actual promotion

**13.** (1) The actual promotion takes effect when it is confirmed in writing, though the officer may take an office or position in an 'acting' capacity until he or she is confirmed into the rank.

(2) The fact of undergoing a promotional training does not, in itself, automatically entitle a person to a promotion but such training shall be considered alongside other requirements for the position to which promotion is desired.

Appeals

**14.** (1) A member of the Service may appeal to the Commission against a promotion, a missed promotion, or a demotion of an officer in the Service to the Commission.

(2) An appeal shall be in writing and be made within thirty days, of the decision appealed against.

(3) The Commission may accept an appeal out of time when there is good reason to do so or where compelling circumstances warrant it.

(4) The Commission may deal with an appeal by way of written submission by the member or through oral hearing of the parties.

(5) The Commission shall establish a panel to hear a case, the composition of which shall depend on the gravity of the case and the rank of the person involved.

(6) The appeal panel shall consist of:

- (i) a Commissioner to chair the panel;
  - (ii) an officer from the same Service as the officer appealing, designated by the Inspector General in consultation with the respective Deputy Inspector General or Director of the Directorate of Criminal Investigations;
  - (iii) one human resource officer from the Service of the concerned officer;
  - (iv) any other officer(s) who possesses the knowledge and skills that are found necessary for the functions of the Panel.
- (7) The panel shall consider the appeal within 21 days and make recommendations to the Commission for the Commission's consideration and final decision.
- (8) The decision and reasons for the decision shall be submitted to the officer by the Commission, through the Inspector General within 14 days of the receipt of the panel's recommendations.

**Dated**

**2015**

*Johnston Kavuludi,*

*Chairperson, National Police Service Commission*