



EXPLANATORY MEMORANDUM TO THE NATIONAL POLICE SERVICE STANDING ORDERS, 2017

Name of the Statutory Instrument	National Police Service Standing Orders
Name of the Parent Act	National Police Service Act, 2011 as amended
Enacted Pursuant to	Section 10 (1)(r)) and (2) and 131 of the National Police Service Act 2011 as amended
Name of the Ministry/Department	Ministry of Interior/National Police Service
Gazetted on:	09 June 2017
Tabled on:	12 June 2017
Commencement	Immediate

1. Purpose of Statutory Instrument

- 1.1 The National Police Service Standing Orders (SSO) are administrative orders for the general control, direction and information of the Service. The purposes of the SSO are to elevate the standards of the Service and to strengthen public confidence in the Police Service; to encourage police officers to appreciate fully the total responsibilities of their duty; to earn the support and cooperation of the public, and to ensure the effectiveness of the Service to society.

2. Policy Background

- 2.1 The review of the Force Standing Orders is part of the implementation of the Ransley Report 2009. The Report recommended the examination of existing

policies, institutional structures of police and recommended comprehensive reforms that would enhance effectiveness, professionalism and accountability in the police services. This Explanatory Memorandum outlines the development process of the SSO and why it is necessary.

- 2.2 The development of the SSO began in March 2013 and was completed in November 2014. The 2014 edition is the fourth edition and the first composite edition under the National Police Service. The first edition was published in 1905. New editions appeared in 1922, 1938, 1956 and 1962.
- 2.3 The last edition was produced in 2002. However, since 2010 the National Police Service has undergone major constitutional, legal and institutional changes making it imperative for a complete overhaul of the SSO. Some provisions and chapters had become obsolete thereby calling for their repeal altogether, others had become irrelevant and additional chapters and provisions were required.
- 2.4 Indeed, the promulgation of the new Constitution of Kenya in 2010 introduced fundamental changes in both the structure and command of the Police. It established the National Police Service that consists of the Kenya Police Service and Administration Police Service. The National Police Service is under the overall and independent command, superintendence and direction of the Inspector-General. The two Services are each headed by a Deputy Inspector-General who is subject to the direction, command and control of the Inspector-General.
- 2.5 The Constitution further demands the highest standards of professionalism, transparency, accountability and discipline amongst police officers. It also requires compliance with constitutional standards of human rights and fundamental freedoms to foster and promote relationships with the broader society.
- 2.6 To implement the Constitution, new laws, namely: the National Police Service Act 2011, the National Police Service Commission Act 2011 and the Independent Policing Oversight Authority Act 2011 were enacted creating a completely new institutional and legal framework for police profession. The enactment of the National Police Service Act 2011 set forth the

establishment of the Directorate of Criminal Investigations and the Internal Affairs Unit.

- 2.7 Consequently, the National Police Service Act 2011 requires the Inspector-General to review all Standing Orders issued before its enactment.

3. Consultation outcome

- 3.1 Development of the SSO was undertaken by the Technical Committee which was mandated to develop a draft of the SSO for validation. The Committee composed of 18 members drawn from the Kenya Police Service, Administration Police Service and the Directorate Criminal Investigations). The Committee later co-opted other members from National Police Service Commission, Internal Affairs Unit, Air-wing, Anti-Narcotics and Police Dog Unit among other Units and Formations.
- 3.2 The Committee reviewed a wide range of materials on police orders, policies, laws and regulations as well as other literatures relating to policing practices. It began its work by studying all the existing Orders in the Force Standing Orders then, and received extensive written and oral presentations from the Service and members of the public including government agencies.
- 3.3 The SSO document is presented in such a way that similar topics are grouped together for ease of reference with comprehensive cross referencing to matters both within SSO and in other relevant regulations and operational manuals. Part I sets out the Constitution, Organization and Control of the Service. Part II sets out Orders to serve as general guidelines for members of the Service. Part III clarifies matters in which regulations may be made by respective authorities from time to time. Part IV set out relevant documents and operational manuals.

4. Guidance

- 4.1 Communication on the development of the SSO was initiated through a signal to all NPS formation, units and components to the lowest level for oral and written submissions. Various specialized units, formations and components were invited to make presentations and written submissions to the Technical Committee.

- 4.2 Upon completion and publication, the SSO will require implementation and compliance. This has necessitated the formation of the SSO Implementation Committee comprising 24 members drawn from across the rank and file in the Service. The Committee has developed a work plan that includes training and sensitization of police officers and the public. This effort is supported by the Government, UNODC and Coffey International through Jamii Thabiti Programme.

5. Impact

- 5.1 The SSO seeks to ensure members of the Service shall be committed to the welfare of the public through the rule of law and professional service; they shall place high value on objectivity and integrity, and maintain the highest professional and ethical standards in providing service to members of the public. The members of the Service entrusted with powers to enforce any written law of the country shall carry out this mandate with courtesy, fairness, consideration and compassion.
- 5.2 The SSO will direct all police officers to carry out their duties in a manner which is consistent with the highest degree of responsibility and dignity. Therefore ensure professional competence amongst members of the Service in the interests of the public and of the Service as a whole. It shall ensure officers show regard for the ethical and moral expectations of the community they serve and also ensure the Service shall uphold and adhere to the values and standards of the public service.

6. Monitoring and Review

- 6.1 The implementation of the SSO will be reviewed from time to time. Already the Inspector General has appointed a Committee to guide the implementation process. The terms of reference for the Committee include:
- a) Finalize the SSO implementation plans;
 - b) Prepare for and undertake the formal launch of the SSO and related documents;

- c) Prepare and execute SSO and related documents awareness and sensitization plans;
- d) Avail and undertake dissemination/distribution of the SSO and related documents;
- e) Develop and execute SSO and related documents compliance mechanisms;
- f) Prepare a training strategy and implement a ToT as appropriate;
- g) Develop a standard NPS Format/Framework and guide preparation, approval and publication National Police Service Manuals;
- h) Compile data to facilitate review of the SSO at the end of the implementation period; and
- i) Undertake any other duty in furtherance of the implementation of the SSO and related documents.

7. Contact

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Disclaimer:

This notes acts only as a guideline and as such they are not exhaustive and for clarity proper reference should be made to the main body of the Service Standing Orders as provided.

