

(iii) Disciplinary Control

The Service that undertakes the disciplinary function as maintaining disciplinary function is a command and control. The Commission exercises disciplinary control function over the Service.

Disciplinary controls entails:

Put in place regulations that ensure that disciplinary action taken by the Service meet the requirements of due process this is to ensure arbitrary and unjust disciplinary measures are avoided. The service is required to keep the commission informed on disciplinary action against officers. Aggravated punishment such as demotion and dismissal can only be undertaken upon consent of the Commission. Appeals against disciplinary actions are also heard by the Commission.

(iv) Delegation to the IG.

In order to strengthen command and control by the Service, the Commission has further delegated the recruitment and promotion of officers' up to the rank of Superintendent to the Inspector-General. The delegation is aimed at enhancing efficiency and effectiveness. The delegate authority is exercised with clear reporting and accountability mechanisms to the Commission.

Such delegation does not divest the Commission of any responsibility over its mandate.

Is vetting the only function of the only function of the Commission?

No, Vetting is not the only function undertaken by the Commission. The Commission undertakes Human Resource Management functions of service as above explained.

What's the difference in functions between the National Police Service Commission and National Police Service?

The mandate of the Commission is largely the Human Resource functions and the general welfare of the police officers. The Commission does not deal with any operational matters of policing. Operational matters of policing are the sole mandate of the Service

What's the difference between National Police Service Commission (NPSC) and Independent Policing Oversight Authority (IPOA)?

The principal task of IPOA is to investigate complaints received from the public relating to disciplinary or criminal offences committed by members of the National Police Service and then

make recommendations to the relevant authorities such as the Commission, Director of Public Prosecutions , Ethics and Anti-Corruption Commission etc, for appropriate action to be taken against the errant officers.

What's the difference between the National Police Service Commission and Public Service Commission (PSC)?

The Public Service Commission (PSC) is one of the independent Commissions under Chapter 15 of the Constitution. It undertakes all Human Resource related functions of the public service officers. Human Resource functions of police officers are handled by the National Police Service Commission and not the Public Service Commission.

What's the role of the Commission in issues of police welfare, housing, tooling and equipment?

The Commission is mandated with the task of reviewing and making recommendations to the National Government on matters that include conditions of service of the officers in the Service. The Commission can also advice on matters such as police welfare, housing, tooling and equipment, for policy considerations by the Government. The ministry has the mandate in solving such matters.

What's the role of the Commission and Salaries and Remuneration Commission (SRC) in determining Salaries of police officers?

The Salaries of police officers is determined by the Commission with the advice of the SRC.



NATIONAL POLICE SERVICE COMMISSION

(NPSC)

The Mandate

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Why was NPSC started?

The inquiry into the reasons for the post-election violence amongst other things pointed out weaknesses in the security sector including those in Kenya Police (KP) and Administration Police (AP).

The recommendations contained in the WAKI report led to the formation of the National Task Force on Police Reforms which was chaired by Hon. Justice (Rtd) Philip Ransley, whose objective was to look into the weaknesses of the KP and AP and to suggest solutions for improvement and reform.

A number of reform recommendations were made –structural, institutional and legal. Part of the recommendations was the formation of the National Police Service Commission (NPSC) which was to facilitate key reforms in the police service specifically those related to Human Resource Management.

The RANSLEY team highlighted the fact that the police service was inefficient, corrupt and ineffective for a number of reasons which included lack of an independent command as a result of patronage of the political and business classes which resulted into improper transfers, recruitment tainted with corruption, promotions that compromised merit and disciplinary measures marred with unfairness.

These issues resulted in inefficient management of the human resource capital (police officers) and in turn caused despondency, demotivation of police officers leading to an inefficient and ineffective police service.

The RANSLEY team thus recommended the formation of the Commission in order to take charge of all Human Resource Management aspects of the police service. These include recruitment, appointment, transfer, promotions and exercise of disciplinary control of officers in the National Police Service.

Is the Commission “civilian”?

Many stakeholders have expressed the inability of civilians to address matters of the Police Service, insinuating that the Commission is made up of civilians. Contrary to this view, the Commission which consists of nine commissioners has three Commissioners who are the top 3 commanders of the service i.e. the Inspector-General and the two Inspectors-General. It also has two senior police officers who retired from the Kenya

Police and Administration Police Service, respectively.

The majority of the Commissioners, 5 out of 9, have either served or are serving police officers.

Further, decisions on human resource matters have an effective input of the top service commanders of the Service since they are Commissioners/ members of the Commission.

Who constitutes members of the Commission?

The Commission comprises of 9 members;

- (i) A person qualified to be appointed as a judge of the High Court.
- (ii) Three persons of high moral character and who have served the public with distinction.
- (iii) Two retired senior police officers from the Kenya Police and the Administration police service respectively.
- (iv) The Inspector-General.
- (v) Both Deputy Inspectors-General of the National Police Service.

Does the Commission deal with operational matters of the service?

No, The Commission does not deal with any operational matters of the Service as this function exclusively belongs to the command of the Service, i.e. the IG and the two Deputy IGs.

The Commission is involved in the human resource functions that include recruitment, appointment, determining transfers and promotions and exercising disciplinary control.

In its human resource management role, does that Commission interfere with the command function of the service?

The Human Resource function of the entire public service which included the police service was, prior to the 2010 Constitution, being performed by the Public Service Commission (PSC). In order to give detailed treatment- to the police service, 2010 Constitution shifted these functions to the National Police Service Commission. In as much as the PSC did not interfere with the command function of the police service, the NPSC equally does not interfere with the command functions.

The Commission DETERMINES transfers and promotions in the following manner;

i) Transfer

Is usually linked to operations. The need to transfer a police officer is dictated by operational needs of the Service. However, in undertaking such transfers the Service must have regard to factors that include length an officer has served within a workstation ,whether an officer has been given the due transfer facilitation, fairness in serving hardship/operational areas. Further transfers cannot be used as a disciplinary measure but as a mechanism to attain maximum efficiency and ensure officers realize full professional growth.

The Commission has put in place appropriate transfer regulations so that the service observes them in the recommends the transfer for the commissioners determination.

In this determination, the IG and two Deputies are part of the decision as they are members of the Commission.

In the unlikely event that there is non-adherence to the regulations by the Service in undertaking transfers , the Commission will not approve the same and would require the service to recommend officers for transfer in accordance with the regulations.

The Commission further hears appeals on promotions.

(ii) Promotions

The Service which identifies officers who should be promoted in accordance with SSOS and regulations put in place by the Commission. In officer for promotion the service is required to consider matters that include:

- a) Length of service of a police officer
- b) Disciplinary record of the officer
- c) Integrity of the officer
- d) Regional and ethnic diversity
- e) Gender balance
- f) Affirmation policy

The function of the Commission is to DETERMINE promotions and it does so by ensuring that the promotions are done in adherence to the regulations.

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