

THE KENYA NATIONAL TASK FORCE ON POLICE REFORM

Some key recommendations summarised

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BACKGROUND

Post Election Violence

The post-election violence and destruction in January 2008 came as a shock to many in Kenya and abroad. According to the Waki Commission Report a total 1,133 people died, 117, 216 private properties were destroyed, and more than 350,000 persons were displaced. With violence still flaring up, and amongst fears of a civil war, Mr. Kofi Anan and his three-member Panel of Eminent African Personalities facilitated an accord between the two main contenders for political power, namely the Party of National Unity (PNU) and the Orange Democratic Movement (ODM). On 1 February 2008 the respective leaders of the two political groups, President Mwai Kibaki and Honourable Raila Odinga, agreed on an agenda for talks.

They recognized that the crisis triggered by the disputed 2007 presidential election results brought to the fore deep-seated and long-standing divisions within the Kenyan society, which, if left unaddressed, could threaten the very existence of Kenya as a unified country. Item four on their agenda for talks therefore aimed at identifying those far-reaching reforms that would be necessary to address the root causes of the recurrent conflict in the country. Institutional reforms constituted one of those far-reaching reforms. The parties agreed that this would have to include police reforms.

While there had been some government attempts at reforming aspects of policing in Kenya from time to time, no in-depth and comprehensive evaluation of policing in Kenya had been undertaken. The newly recognized urgency accorded to police reform under 'Agenda Item Four' was further reinforced by recommendations made by the Waki Commission of inquiry into post election violence. The Commission, in its report dated October 2008, recommended: "*The Parties shall initiate urgent and comprehensive reform of the Kenya Police and the Administration Police. Such reforms shall be undertaken by a panel of policing experts and...*" Against this background, the President, in May 2009, established the National Task Force on Police Reform in May 2009.

The need for a fundamental re-evaluation of policing in Kenya therefore stemmed not so much from an acceptance that the occasional updating of policing practices was desirable, but more so from the realization that the fractured nature of Kenyan society, and its real potential to descend into conflict and violence, demanded a fundamental re-look at the nature and role of the police in Kenya. A prime function of government is to realise its responsibility to protect citizens and to provide for their safety and security. There appeared to be a recognition by government that without fundamental police reforms attempts to fully meet its responsibility to protect citizens would be undermined.

Work method and submissions made to the Task Force

The Task Force commenced its work towards the end of May 2009. It reviewed a wide range of research and police-related literature and received written and oral submissions from many stakeholders and experts. During visits to all eight provinces of Kenya it met and had discussions with the Provincial Administration and Police leadership and hosted public hearings where it received written and oral representations. These came from members of the public, civil society and faith-based organizations, the business sector and other stakeholders. Police stations and residential quarters were visited and the views of both senior and junior police officers were sought. In addition, the Task Force visited Botswana, Sweden, and the United Kingdom and Northern Ireland to learn from their policing experience.

The totality of views, reflections, and impressions that emerged from this broad consultative process provided the Task Force with a better understanding of the complex security concerns of Kenyans, as well as of the challenges that Government and the police face in effectively addressing the safety and security concerns of citizens. Many representations related to the relationship between the two police forces in Kenya (now to be renamed police services), namely Kenya Police and the Administration Police. Many in Kenya have become increasingly concerned about what appears to be a growing rivalry, an overlap of functions, and competition between the Kenya Police and the Administration Police. Some advocated a merger of the Administration Police with the Kenya Police whilst the majority of submissions received were against such a merger as they had greater trust in, and related better to, the Administration Police, particularly in rural areas.

There is a perception that crime has increased, and a growing public anxiety about personal safety and security was apparent. Members of the public place part of the blame for this on the shoulders of the police. Public confidence in the police, particularly the Kenya Police, is low and members of the public are reluctant to pass on crime information to the police. A major concern raised by the public related to allegations of links and collusion with organized criminal groups and drug cartels. Many held the view that the police should have a more caring attitude towards the public and respond to pleas for assistance. They claimed that the police failed to respond promptly to the reporting of crime and that there was widespread extortion of money through bribery. Many see the police as ineffective and as corrupt at all levels. They expect the police to cease their harsh and aggressive treatment of suspects, victims, and members of the public, and their widespread reliance on corruption and use of excessive force. Respect for human rights and a more pro-active, service orientated approach towards the public is something the public asked for.

From visits to police establishments and from discussions with the police it became apparent that they are generally poorly resourced. Most of the salaries and allowances have lagged behind and they often lack the basic equipment that police require to function properly and professionally. Many live in appalling conditions and their morale is low. They were very concerned about the level of political interference, corruption and nepotism in policing matters, including the release of suspects from police custody on orders of

senior officers under questionable circumstances, and interference in the recruitment, transfer and promotion processes. Corruption in the police was seen as widespread and endemic. The tolerance levels for corruption for all ranks are unacceptably high. Many from the rank and file of the police were unhappy about the centralized command, transfer and deployment policy and the non-payment of allowances. They are not adequately covered for injury or death that might result in their line of duty.

SOME KEY RECOMMENDATIONS

In an attempt to address the many structural and management problems identified by the Task Force and to remedy the organizational and other shortcomings and challenges that became apparent, more than 200 recommendations were developed and set out in the Task Force Report. They are all important but some are fundamental and far-reaching. Amongst them are those that recommend the creation of new institutions and the restructuring of the police. Other important recommendations aim at modernizing policing and at making it more effective, and at changing policing culture and enhancing trust and police community relations. Some of the key recommendations deal with improving the conditions of service, salaries and allowances of the police. These and a number of additional recommendations are briefly set out below in a summarised form.

1. RESTRUCTURING THE TWO POLICE SERVICES

1.1 The merger issue

The Waki Commission Report at page 436 recommended a merger between the Kenya Police and the Administration Police. The report stated:

“The Commission believes that developing a world class police service for Kenya would be best achieved through the creation of a single police agency. This means integrating the current two police organs.”

The Task Force had lengthy deliberations on the issue and recommended that *“A merger of the Administration Police with the Kenya Police Service should not be undertaken at this stage”* and that the separate existence of the two police services *“should continue at this point in time.”*

The Task Force took into account the strong reliance and support for the Administration Police that was evidenced in rural areas and small towns throughout the country. Local populations trusted them and relied on them to assist with the maintenance of law and order. Criticisms of the Administration Police were also considered, including allegations of misuse for political reasons, rivalry with the Kenya Police and duplication of policing functions.

In order to address some of the criticism of the Administration police and to avoid duplication and rivalry between the two police services, the Task Force recommended that a new police structure, namely a National Policing Council be established to coordinate the two police services and to determine policing

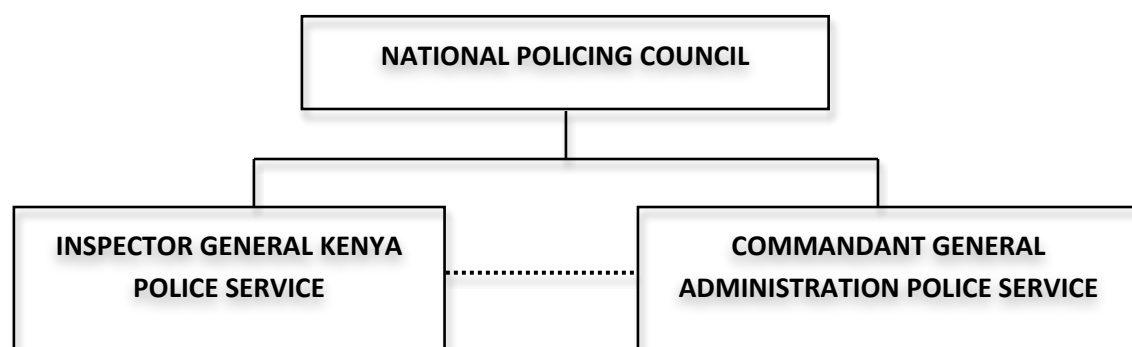
policy and plans, and promote sharing of resources for both Services. The Task Force further recommended that

- There should be one new Police Reform Bill that would provide legislative changes required for both Police Services. The Bill should provide for a clear demarcation of functions and duties to avoid overlap and duplication.
- The proposed Police Reform Bill should include explicit provisions applicable to both police services requiring them to conduct themselves in a professional, non-partisan, and politically neutral manner.

1.2 The National Policing Council

This is a new structure aimed at ensuring that the two police services work harmoniously and that they are effective, efficient and accountable. The National Policing Council will also ensure that unhealthy competition between the Kenya Police Service and the Administration Police Service does not occur and that resources and facilities are shared. The Council will consist of:

- The Permanent Secretary responsible for police services as the chairperson and accounting officer
- The Inspector General, Kenya Police Service
- The Commandant General, Administration Police Service
- The Director, Directorate of Criminal Investigations (DCI)
- The Commandant, General Service Unit (GSU)
- Two other Commissioners representing the Association of Police Commissioners (one from KPS and the other from APS)
- The Secretary to the council shall be the Secretary, Internal Security
- The Secretary of the proposed Police Service Commission



The National Policing Council will provide the structure for the heads of the two police services, and the other members of the Council to develop the National Policing Plan. Among its other functions will be:

- Formulating and determining policing policy
- Reviewing, rationalizing and coordinating the budgeting and National Policing Plans
- Setting national priorities, objectives and targets for police performance

- Setting and enforcing unified policing standards across the country
- Providing strategic management and support
- Ensuring policing accountability at all level
- Financial management and oversight
- Coordinating procurement activities
- Appointing and managing a secretariat to execute its mandate

2. DECENTRALIZING THE POLICE SERVICES

Policing by the Kenya Police has in recent years been undertaken through a highly centralised command structure from Police Headquarters in Nairobi. This has eroded the powers of provincial and district police commanders and contributed to widespread dissatisfaction amongst police officers, stifled local police initiative and alienated members of the public. Due to the manner of the appointment and the centralised powers vested in the Commissioner of Police, there has been very little accountability to the people that the police are meant to serve. Until now, the Commissioner has been accountable to the President alone while the officers below him are accountable to the Commissioner. This has made the police vulnerable to both political and hierarchical misuse.

The Report contains far-reaching recommendations aimed at moving away from an overly centralised command structure by devolving powers and responsibilities to lower levels and by providing greater operational and financial autonomy to commanders at provincial, district and station levels. Other recommendations aim at making the appointment process of senior officers competitive and more transparent. It is also recommended that the Criminal Investigation Department be renamed Directorate of Criminal Investigations (DCI) and be granted greater operational and financial independence, and be shielded from political and other improper interferences.

3. ENHANCING POLICE ACCOUNTABILITY AND TRANSPARENCY

3.1 Independent Policing Oversight Authority (IPOA)

Complaints against police conduct, ranging from corruption, arbitrariness, harassment of members of public, lack of political neutrality, engaging in criminal activity, abuse of power and the use of excessive force including extra judicial executions, have in the past not been dealt with impartially and were often ignored. This lack of transparency and accountability has been one of the main contributing factors to the low levels of trust in the police, particularly in the Kenya Police. The Report recommends the establishment of a new institution, composed of civilians, that will focus on monitoring and investigating police conduct, namely an **Independent Policing Oversight Authority**. It will be established under the Constitution and will provide clear legislative powers to enable the body to execute its mandate. It will therefore be protected from political, executive and police interference.

The Independent Policing Oversight Authority will enhance public confidence that complaints about police misconduct will in future be investigated in an impartial manner and that transgressors will be called to account. It will enhance police accessibility and improve trust and the image of the police. IPOA will be made up of the following seven persons:

A chairperson who has to be a person qualified to be appointed a Judge of the High Court of Kenya, and six other members with knowledge and proven experience in their respective fields as follows:

- (i) Two from public administration
- (ii) One with a human rights background
- (iii) One from financial management
- (iv) One from corporate management
- (v) One from religious leadership

The recommendation also provides that no gender should exceed two thirds of the total membership provided that the Vice Chairperson should be of different gender from the Chairperson. The members will be recruited through a competitive process conducted by the Public Service Commission, which will recommend to parliament the names of successful applicants for approval. Parliament will forward the names to the President, for appointment in consultation with the Prime Minister for a one 5-year term.

Among the important powers that the Independent Policing Oversight Authority will have will be the power to compel the attendance of witnesses, power to subpoena documents and obtain search warrants, power to demand mandatory cooperation from the police, and power to ensure witness protection and to recommend prosecution.

3.2 Provincial Policing Authorities

The Report recommends the establishment of a new mechanism that will enhance police accountability at provincial level. Police in the provinces have thus far not had to account for their activities to the public in their province. To meet this need, the establishment of a civilian-based **Provincial Policing Authority** is recommended for each province. This forum will consist of 9 civilian members of good standing, representing business sector, civil society, professional bodies, and religious organizations. A third must be women. The members will elect their own non-executive chairperson. The establishment of a Provincial Policing Authority in each province will make it possible for the police to engage with members of the Authority on issues such as setting provincial policing priorities, preparing the provincial budget and developing a policing plan. However, the police services will retain full operational, financial and management autonomy.

3.3 Corruption, Code of Ethics and Conflicts of Interests

Corruption amongst junior and senior police officers has been rife and has had a debilitating impact on policing and on public trust. Some recommendations in this report aim at tightening controls and supervision

mechanisms. The police services in Kenya have to transform their policing culture and their image in the eyes of the public and many recommendations in the report aim at achieving this. One important means of doing so is for the police to adopt a set of key values and principles and to strictly adhere to them in their policing work.

A Code of Ethics is therefore recommended to, among other things, address conflict of interests that police officers face. The Report recommends that, for example, direct or indirect involvement by police officers in certain business activities, such as operating *matatus* (minibuses) and other public transport enterprises, should be prohibited. This follows presentations to the Task Force claiming that some of the police officers responsible for traffic management own public transport vehicles or breakdown vehicles - a clear case conflict of interests.

The Traffic Department of the police seems to have been particularly prone to corruption. Many complaints to the Task Force related to the numerous roadblocks in Kenya. Many of these roadblocks had virtually become permanent features used by traffic police officers to extort money from motorists and members of the public. In its Interim Report the Task Force recommended the removal of all roadblocks unless they serve legitimate operational policing purposes. Since submitting the Interim Report, the number of police roadblocks has been substantially reduced but the Task Force has reiterated that roadblocks should be laid for a particular legitimate policing purpose only and removed once that purpose is achieved.

The Task Force also attempted to address the unethical practices that Kenyans have come to associate with the recruitment process in both the Kenya Police and Administration Police. These exercises have often been riddled with corruption, with prospective candidates openly admitting to having paid as much as Ksh. 100,000 to secure a place in the police. A new recruitment process is recommended where the process will be competitive, entry requirements raised and where greater transparency and accountability will be demanded. An important new structure that is recommended, namely the Police Service Commission, will have an important role in adding professionalism and transparency to the recruitment process.

3.4 Police Service Commission

The Public Service Commission has until now been responsible for police recruitment, promotion, discipline, welfare and dismissals. Many of these functions were delegated to the Commissioner of Police. Such critical powers ought not to be delegated to an individual but should be vested and exercised by an independent institution that can focus exclusively on the police. The absence of such an institution in Kenya has contributed to the unsatisfactory recruitment practices, poor terms and conditions of service, lack of professionalism, poor morale, poor performance by the police and many other problems that they face. The Task Force therefore recommended that matters of police recruitment, promotion, discipline, welfare and dismissal be removed

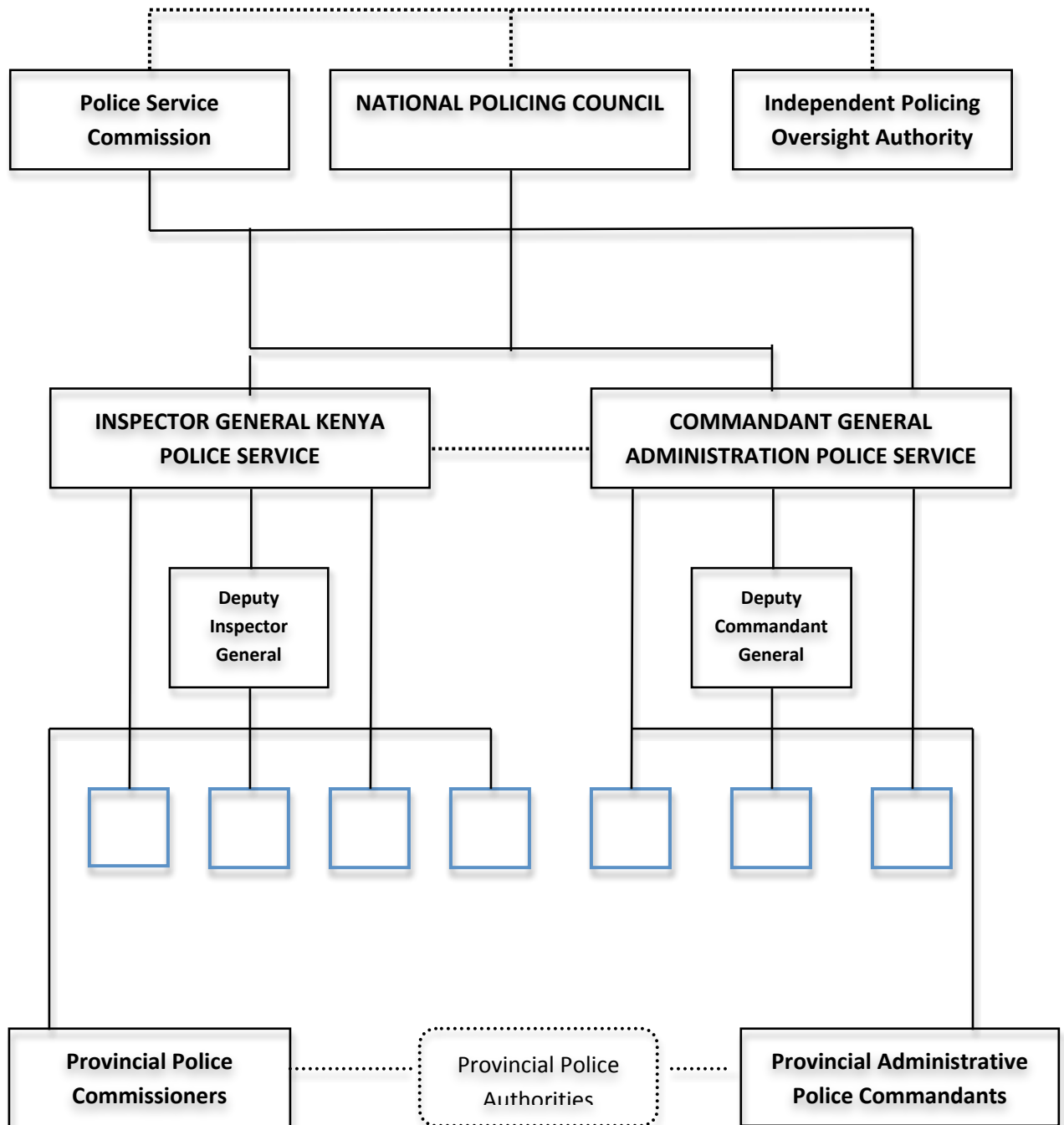
from the Public Service Commission and vested in an independent institution namely, the **Police Service Commission**.

This Commission will be established under the Constitution and through legislation. It will consist of the following nine persons who will be appointed for a one five-year term:

- (i) A person qualified to be appointed as a judge of the High Court
- (ii) Four persons of high moral character and integrity with knowledge and proven experience in the following professional disciplines; human resource management, employment and labour relations, financial management/audit, economics and public administration.
- (iii) Two retired senior police officers of high moral character and integrity not below the rank of assistant commissioner of police (ACP) or the equivalent in the Administration Police.
- (iv) The Chairperson, Public Service Commission.
- (v) The Chairman, Permanent Public Service Remuneration Review Board.

Having briefly referred to the restructuring of the two police services and to the recommended establishment of new structures, it is appropriate to illustrate the proposed organizational structure for the two police services that illustrates how they interlink:

Proposed Structure for the two Police Services



4. IMPROVING REMUNERATION AND WORKING CONDITIONS OF POLICE OFFICERS

Many of the recommendations are aimed at improving conditions of service and at enhancing the provision of welfare benefits and greater security to police officers and their families. The recommendations aim at improving remuneration and allowances, taking interests of family members into account when transferring police officers, providing medical and life insurance cover and significantly improving the very poor conditions in which many police officers and their families are accommodated.

The Task Force found that police housing was inadequate and where available, overcrowded with married and single police officers often having no alternative but to share single rooms. Many of these quarters are dilapidated. The Kenya Police Service has a housing shortfall of about 69 per cent whilst the shortage for the Administration Police Service is about 78 per cent. The Report contains detailed recommendations for a programme to rectify this over a period of time

Many police officers are of the view that the Government is quick to respond to salary demands of other categories of public servants but gives minimum attention to those of the police. A police constable in whom the public wants to entrust their security is paid a basic salary of Kshs.11, 000 per month. This is significantly lower than salaries of other organizations sampled in the Report. The Report recommends an overhaul of police salaries and that a significant portion of the national budget be dedicated to improving police salary levels within the next five years. As regards allowances and salaries, The Task Force, amongst others, recommended that:

- The salary structure for the Kenya Police and Administration Police be harmonized with that of the Armed Forces
- The increases should be implemented within a period of 2 years with effect from 1st July 2010 so as to maintain the intended value of the increases. The estimated cost of this adjustment is Kshs.18, 962,282,059 per annum.

5. TRAINING AND POLICE MANAGEMENT SUITABILITY REVIEW

5.1 Enhanced training facilities and standards

The Report stresses the importance of improved and upgraded training facilities and standards. A Police Academy that caters for both the Kenya Police and the Administration Police is recommended. It should provide a standard curriculum to cover both services, at least for a part of their training. In view of the common purpose of policing, the Task Force cautions against any plans to develop separate Academies for the two services.

Commanders Courses should be re-introduced immediately and any officers who have been deployed as the Officer Commanding of a Station or Division (OCS/OCPD) without having undergone the Commanders course should be

redeployed from station management until they successfully complete the course.

5.2 A suitability review for police management

The Task Force identified serious management problems in both Police Services arising, amongst others, from poor leadership, patronage, wrong placement, a disconnect between the lower ranks and their seniors, and outright corruption. There exists a clear need for a comprehensive staff review of both the Kenya Police and Administration Police. The Task Force is of the view that no meaningful change can be implemented until the current senior police officers in the Kenya Police and in the Administration Police are re-evaluated for their suitability in the positions they currently hold, as a good number of them are associated in one way or the other, with the problems in the two police services.

The Task Force therefore recommended that

- (i) All officers from the rank of Assistant Commissioner of Police/ Assistant Commissioner of Administration Police and above be subjected to a review against a criteria (professionalism, integrity, track record, and psychological fitness) developed jointly by the Public Service Commission (PSC), the Kenya Anti Corruption Authority (KACC) and National Security Intelligence Service (NSIS).
- (ii) The proposed Police Service Commission should thereafter progressively review the ranks below those indicated above until all current members of the police have been cleared.
- (iii) Those found unfit for retention should be retired from the two services, with sufficient safety nets to cushion them on exit.

In order to enhance skills and to learn from international best practice the Task Force recommends that the Government should establish an exchange programme with countries whose police services enjoy a reputation of probity and professionalism. Middle/senior level police officers who are rated highly after the suitability assessment can be sent on these programmes for one to two years to prepare them for leadership roles. The host Governments can be requested to second their officers to Kenya in equivalent positions to entrench core values in various areas of policing.

6. IMPROVING OPERATIONAL EFFECTIVENES OF THE POLICE

The Task Force reviewed the state of preparedness of the police to effectively combat crime and emerging security challenges and concluded that the police were ill prepared due to both a lack of adequately trained human resources and a lack of suitable equipment.

Their effectiveness is inhibited by, amongst others, a lack of motor vehicles to undertake policing work. They lack adequate protective clothing and equipment such as hand gloves, the necessary tape for sealing crime scenes, and bulletproof vests with the right specifications are seldom used. When

dealing with public disorder policing, most police officers are not provided with helmets and other necessary equipment for their protection. Other types of equipment essential to effective police performance were also found to be in short supply or outdated. This included computers, communication systems and equipment, evidence-gathering tools such as photographic equipment, operational aircraft and maritime equipment.

Among the recommendations made in this regard was that the tooling, logistical and technological capacity of the police services be reviewed to establish the exact needs and specification in order to bring policing to international standards. Communication and information technology and transportation should be prioritized.

An important recommendation aims at reviving the criminal investigation capacity of the police in Kenya. Professional detective work and investigations should become a key component of policing in Kenya. The structure is to be renamed the “Directorate of Criminal Investigation” (DCI) and will be a structure within the Kenya Police Service. The DCI should have a Department of Forensic Science and should be semi-autonomous with operational and financial independence in order to shield it as far as is possible from improper interference in its investigations. Its investigative capacity will be available to serve both police services. Included amongst its functions will be the provision of crime intelligence, again a crucial component for the successful investigation of sophisticated crimes.

Another recommendation relates to the Anti-Stock Theft Unit. Widespread stock theft, often involving large and heavily armed groups in remote areas, has for a long time been a major destabilizing factor in Kenya, creating insecurity for many communities. The Task therefore recommended the retention of the Anti-Stock Theft Unit but recommended that the Unit be moved from the Kenya Police to the Administration Police. Taking into account that the Administration Police are para-military and more visible in the rural areas and that as one of their functions they provide border security, this move to the Administration Police was thought to be appropriate.

7. CHANGING POLICE CULTURE AND ENHANCING COMMUNITY POLICE RELATIONS

7.1 Community Police Relations

The proposed change of name from Kenya Police Force and Administration Police Force to Kenya Police Service and Administration Police Service respectively, is merely one of a number of recommendations aimed at changing the mindset of both the police and the public towards policing in Kenya. Policing culture and conduct should move away from reactive policing to proactive policing based on increased interaction with communities and on the professional investigation of crime. New standardised uniforms for all ranks are proposed for the two Services. A more effective internal complaints process for police officers is recommended. Corruption and nepotism in the recruitment and promotion process is countered through recommendations

aimed at greater transparency and professionalism. In this regard, the role of the proposed Police Service Commission will be crucial.

The Report contains a detailed evaluation of the current state of community policing in Kenya. It recommends among others, that the completion of the National Policy on Community Policing be fast-tracked and that the National Policy should ensure full community involvement in the development and implementation of the policy.

7.2 Private Security Services

As regards private security services, the Task Force proposed that the 2004 draft Private Security Regulation Bill and the national security and policing policies should recognize the private security industry as a key player and partner. The private security industry should have clearly defined roles and responsibilities for private security guards and on sensitive matters such as arrests and detention of suspects. The extent to which private security members should have powers that approximate police powers should be carefully considered. The Task Force further recommended that the draft Bill should, as a matter of priority, be comprehensively reviewed and discussed with all stakeholders to ensure ownership before it is passed into law.

In addition, policing policy should require private security providers to operate within the national values, principles and norms required of the police in a democratic country. Professional standards, including training and a code of conduct should be adhered to.

8 NATIONAL SECURITY AND NATIONAL POLICING POLICY

8.1 National Security Policy

The Waki Commission Report noted that Kenya's national security arrangements were tested during the post-election violence and that they were found wanting in a number of respects. The Task Force found that whilst a Draft National Security Policy had been developed by the National Security Intelligence Service and circulated to stakeholders for input, the policy remained in draft form and had still not been finalized.

Taking into account that elections are planned for 2012 and the potential for instability and violence exists, it is imperative that a National Security Policy be finalized as soon as possible. The Task Force therefore recommended that the Ministers responsible for Internal Security and Defense should immediately set up stakeholder committees to start the process of developing a national security policy and the required legislation, starting with the draft prepared by the NSIS. The Report sets out a detailed process that it recommends for the development of the policy and the legislation.

8.2 National Policing Policy

Kenya does not have a written national policy on policing. The two police services have various forms of policies in place but no National Policing Policy has existed before. The Kenya Police, for example, has Force Standing Orders and a 5-year Strategic Plan that sets out various policies, while the Administration Police has its own Strategic Plan and is developing its own Force Standing Orders.

The Task Force underlined the need for one, clearly spelt out, National Policing Policy to guide the operations of both police services in the country. The Task Force therefore recommended that the proposed National Policing Council should spearhead the immediate development of a National Policing Policy. The Report sets out a range of important guidelines that should be followed in developing the Policy. It should be one of the first tasks of the proposed National Policing Council to spearhead the development of a National Policing Policy.

9 IMPLEMENTING THE TASK FORCE RECOMMENDATIONS

9.1 Police Reforms Implementation Commission

A novel recommendation is aimed at the establishment of a statutory Police Reforms Implementation Commission whose function will be to coordinate, monitor and supervise the implementation of the reforms recommended in this report. It will be composed of local and international policing experts, senior government officials and police officers, with a civilian chairing the Commission. The aim is to speed up police reform implementation and enhance public confidence in the process.

The Commission will stay in place until institutions such as the Police Service Commission and the Independent Policing Oversight Authority are established which should happen within the next two years. The statutory powers for the Commission that the Task Force recommends are the following:

- (i) Mandatory co-operation from the police, state officials and civil servants
- (ii) Power to follow up on recommendations, in particular requiring feedback on implementation within specified time
- (iii) Power to enforce implementation of its decisions
- (iv) Power to subpoena documents
- (v) Power to determine its own procedure

The local and international police reform experts on the Commission, together with the senior government officials, will hopefully carry enough weight to ensure timely and effective delivery. It is proposed that the Police Reforms Implementation Commission should consist of the following:

- (i) Four members, two of whom shall be foreign police reform experts
- (ii) Permanent Secretary, Office of Prime Minister
- (iii) Permanent Secretary, Provincial Administration and Internal Security

- (iv) Permanent Secretary, Ministry of Justice, National Cohesion and Constitutional Affairs
- (v) Permanent Secretary, Ministry of Finance
- (vi) Inspector General, Kenya Police Service
- (vii) Commandant General, Administration Police Service
- (viii) Chairperson, Law Reform Commission
- (ix) Executive Director, Kenya Institute for Public Policy Research and Analysis
- (x) Chairperson, Kenya National Commission on Human Rights
- (xi) Director-General, National Security Intelligence Service

9.2 Legislation

As the legislation that is required to establish the Commission is unlikely to pass through its usual legislative process, including parliamentary approval, by the end of 2009, the Task Force recommended that the President should use his existing constitutional administrative powers to establish a Police Reforms Implementation Committee and that it should have the same composition and powers as envisaged for the legislative Commission. This would enable the Government to immediately establish the Committee administratively, pending the establishment of the Police Reforms Implementation Commission by legislation, and to therefore commence immediately with the implementation process of the Task Force Recommendations.

A Draft Police Reforms Bill, which will incorporate the recommendations relating to the restructuring of the two police service and additional legislation stemming from the recommendations, had not yet been finalised by the time that the Report was handed to the President. It was not possible to do so as the legal drafters could only commence with their task once all the recommendations in the Report had been finalised. However, the broad issues that should be addressed in the Bill, as well as those relating to other proposed legislation, are spelt out in the Report. As soon as the proposed Police Reforms Implementation Commission is established, it should assume the responsibility of coordinating and supervising the drafting of the Police Reforms Bill and the other legislation envisaged in the report.

10 FINANCIAL IMPLICATIONS

The Report contains a “Police Reforms Implementation Matrix” which sets out the implementation plan for the proposed reforms. The plan specifies the activities and outputs that would flow from the recommendations, and the time lines for implementing the activities and realizing the outputs. The matrix proposes how the responsibility for implementation should be allocated to various government departments and role players. It also provides a budget estimate, which anticipates that the total cost of implementing the recommendations will be Ksh 81.4 billion over the three-year period from 2010 to 2013.