



REPUBLIC OF KENYA

Approved
SNA
17/9/24


13TH PARLIAMENT | 3RD SESSION

.....

**THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND INTERNAL SECURITY
AND
THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE &
FOREIGN RELATIONS**

.....

**REPORT ON THE APPROVAL HEARING OF MR. DOUGLAS KANJA
KIROCHO, NOMINEE FOR APPOINTMENT TO THE POSITION OF
INSPECTOR-GENERAL OF THE NATIONAL POLICE SERVICE**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 17 SEP 2024	
DAY: TUESDAY	
TABLED BY:	Hon. GABRIEL TONDO
CLERK-AT THE TABLE:	CHAMPAGNE

**CLERK'S CHAMBERS
DIRECTORATE OF
DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI
AUGUST, 2024**

**CLERK'S CHAMBERS
DIRECTORATE OF GOVERNANCE
& ACCOUNTABILITY COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI
AUGUST, 2024**

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LIST OF ABBREVIATIONS AND ACRONYMS

ASAL	-	Arid and semi-Arid Land
CCTV	-	Closed Circuit Television
CRB	-	Credit Reference Bureau
DCI	-	Directorate of Criminal Investigations
DIG	-	Deputy Inspector-General
DPP	-	Director of Public Prosecutions
EACC	-	Ethics and Anti-Corruption Commission
GSU	-	General Service Unit
HELB	-	Higher Education Loans Board
IG	-	Inspector-General
IPOA	-	Independent Policing Oversight Authority
KAPU	-	Kenya Airports Police Unit
KRA	-	Kenya Revenue Authority
NIS	-	National Intelligence Service
NPR	-	National Police Reservist
NPS	-	National Police Service
NPSC	-	National Police Service Commission
OCS	-	Officer in Charge of Station
ODPP	-	Office of the Director of Public Prosecutions
ORPP	-	Office of the Registrar of Political Parties
PA	-	Personal Assistant

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FOREWORD BY THE CHAIRPERSONS

This report contains proceedings of the joint sitting of the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security, Defence and Foreign Relations during the approval hearing of Mr. Douglas Kanja Kirocho, CBS, OGW, nominee for appointment to the position of Inspector-General, National Police Service.

The Office of the Inspector-General of the National Police Service fell vacant on 12th July, 2024 after the immediate former office holder, Eng. Japhet Koome Nchebere, MGH resigned from office in accordance with section 20(1) (b) of the National Police Service Act, (Cap. 84).

Pursuant to the provisions of Article 245(2)(a) of the Constitution, section 12(2) of the National Police Service Act (Cap. 84) and section 5 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), His Excellency, the President, submitted the name of Mr. Douglas Kanja Kirocho, CBS, OGW as the nominee for appointment to the position of Inspector-General of the National Police Service.

The Rt. Honourable Speaker of the National Assembly, Hon. (Dr.) Moses Wetang'ula EGH, MP and the Rt. Honourable Speaker of the Senate, Sen. Amason Jeffah Kingi, EGH, MP, vide communications made on 1st August, 2024 conveyed to the National Assembly and the Senate respectively, the Message from the His Excellency the President nominating Mr. Douglas Kanja Kirocho, CBS, OGW as the nominee for appointment to the position of Inspector-General of the National Police Service. A copy of the nomination by His Excellency the President and the letter to the Speakers communicating the nomination are attached to this Report as *Annex 3(a)* and *Annex 3 (b)* respectively.

Consequently, the Speakers of the National Assembly and the Senate referred the matter to the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security, Defence and Foreign Relations, to hold a joint approval hearing.

In accordance with section 6 (9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F), the Clerk of the National Assembly and the Clerk of the Senate invited interested members of the public to submit any representations, by written statements on oath (Affidavits), with supporting evidence, on the suitability of the nominee for appointment to the position of Inspector-General of the National Police Service. The invitations were made vide advertisements which appeared in the *Daily Nation* and *The Standard* Newspapers on Saturday, 3rd August, 2024. A copy of the newspaper advertisement is attached to this Report as *Annex 5*.

This notification was followed up with a letter to the nominee inviting him to attend the approval hearing and requesting him to submit the completed Questionnaire set out in the Schedule to the Public Appointments (Parliamentary Approval) Act (Cap. 7F), together with clearance certificates from the Office of the Director of Public

Prosecutions (ODPP) Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and any credit reference bureau (CRB).

Further the Clerks of the Houses of Parliament wrote letters to ODPP, EACC, KRA, HELB, DCI and ORPP seeking reference and background checks relating to the suitability of the nominee.

Pursuant to the provisions of Article 118 of the Constitution, section 6 (3) of the Public Appointment (Parliamentary Approval) Act, (Cap. 7F), standing order 45 (3) of the National Assembly Standing Orders and standing order 77 (2) of the Senate Standing Orders, the Clerk of the National Assembly and the Clerk of the Senate by way of advertisement in the print media, notified the general public of the intention of the Committees to conduct the approval hearing. A copy of the advertisement is attached to this Report as *Annex 5*.

The Committees conducted the approval hearing on Thursday, 15th August, 2024. In conducting the approval hearing, the Committees were guided by the provisions of the Constitution, the Public Appointment (Parliamentary Approval) Act, (Cap. 7F), the National Police Service Act, (Cap. 84), the National Assembly Standing Orders and the Senate Standing Orders.

The Committees made observations, contained in this Report, based on constitutional and statutory requirements, memoranda received as well as the submissions of the nominee. The Committees' recommendation is therefore based on the evidence and information from the proceedings during the approval hearing.

The Committees, having considered the suitability, capacity, and integrity of the nominee, and pursuant to Article 245(2) (a) of the Constitution and section 8 (2) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), **Parliament approves** the nomination of Mr. Douglas Kanja Kirocho, CBS, OGW for appointment to the position of Inspector-General of the National Police Service.

Acknowledgements

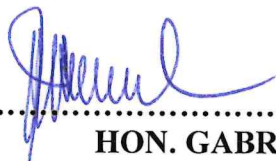
The Committees wish to thank the Office of the Speaker of the National Assembly, the Office of the Speaker of the Senate, the Clerks of both Houses and their staff for the technical and logistical support accorded to them during the approval hearing. In addition, the Committees thank the nominee for his cooperation during the approval hearing.

The Committees are also grateful to the members of the public who submitted their memoranda and the media for their live coverage of the proceedings, thus enhancing accountability and transparency of the approval process.


Further, the Committees appreciate the Office of the Director of Public Prosecutions (ODPP), the Chief Executive Officer of the Ethics and Anti-Corruption Commission (EACC), the Commissioner General, Kenya Revenue Authority (KRA), the Chief Executive Officer of the Higher Education Loans Board (HELB), the Director, Directorate of Criminal Investigations (DCI) and the Office of Registrar of Political Parties (ORPP) for providing references and background checks relating to the suitability of the nominee.

Finally, we acknowledge and appreciate the Members of the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security, Defence and Foreign Relations for their dedication and commitment which enabled the Committees to complete the task within the stipulated timelines.

On behalf of the Committees, and pursuant to Article 245(2)(a) of the Constitution and section 8 of the Public Appointments (Parliamentary Approval) (Cap. 7F), it is our pleasant duty to table the Report of the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security, Defence and Foreign Relations, on the joint approval hearing of Mr. Douglas Kanja Kirocho, CBS, OGW, the nominee for appointment to the position of the Inspector-General of the National Police Service for debate and adoption by Parliament.



.....
HON. GABRIEL KOSHAL TONGOYO, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ADMINISTRATION
AND INTERNAL SECURITY



.....
SEN. WILLIAM KIPKIROR CHEPTUMO, CBS, MP
CHAIRPERSON, STANDING COMMITTEE ON NATIONAL SECURITY,
DEFENCE AND FOREIGN RELATIONS

CHAPTER ONE

1. PREFACE

1.1 Establishment and Mandate of the National Assembly Departmental Committee on Administration and Internal Security

The Departmental Committee on Administration and Internal Security is established under Standing Order 216(5) of the National Assembly Standing Orders and is mandated to consider all matters relating to home affairs and internal security, including police services and coast guard services, public administration, immigration and citizenship. The functions of the Committee are as follows-

- a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- b) to study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
- c) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- d) to study and review all legislation referred to it;*
- e) to study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- f) to investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- g) to vet and report on all appointments where the constitution or any other law requires the national Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
- h) to examine treaties, agreements and conventions;*
- i) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- j) to consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- k) to examine any questions raised by Members on a matter within its mandate.*

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

The Standing Committee on National Security, Defence and Foreign Relations is established pursuant to Standing Order 228 (3) and the Fourth Schedule to the Senate Standing Orders and is mandated to consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations. The functions of the Committee are to-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of its assigned ministries and departments;*
- b) study the programme and policy objectives of its assigned ministries and departments, and the effectiveness of the implementation thereof;*

- c) study and review all legislation referred to it;
- d) study, assess and analyze the success of the ministries and departments assigned to it as measured by the results obtained as compared with their stated objectives;
- e) consider the Budget Policy Statement in line with the Committee's mandate;
- f) report on all appointments where the Constitution or any law requires the Senate to approve;
- g) make reports and recommendations to the Senate as often as possible, including recommendations for proposed legislation;
- h) consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;
- i) examine any statements raised by Senators on a matter within its mandate; and
- j) follow up and report on the status of implementation of resolution within their mandate; and
- k) follow up and report on the status of commitments made by the Cabinet Secretaries in their response to questions under Standing Order 51C.

1.3 The Committee Membership

The National Assembly Departmental Committee on Administration and Internal Security is comprised of the following Members-

- | | |
|--|--------------------|
| 1. Hon. Gabriel Koshal Tongoyo, MP | - Chairperson |
| 2. Hon. Col. (Rtd.) Dido Ali Raso, MBS, MP | - Vice-Chairperson |
| 3. Hon. Kaluma George Peter, MP | |
| 4. Hon. Fred C. Kapondi, MP | |
| 5. Hon. Aduma Owuor, MP | |
| 6. Hon. Sarah Paulata Korere, MP | |
| 7. Hon. Liza Chepkorir Chelule, MP | |
| 8. Hon. Mburu Kahangara, MP | |
| 9. Hon. Protus Ewesit Akuja, MP | |
| 10. Hon. Oku Kaunya, MP | |
| 11. Hon. Rozaah Akinyi Buyu, MP | |
| 12. Hon. Francis Kipyegon Sigei, EBS, MP | |
| 13. Hon. Fatuma Abdi Jehow, MP | |
| 14. Hon. Caroline Jeptoo Ng'elechei, MP | |
| 15. Hon. Hussein Weytan Mohammed, MP | |

The Senate Standing Committee on National Security, Defence and Foreign Relations is comprised of the following-

- | | |
|--|--------------------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Chairperson |
| 2. Sen. Karen Njeri Nyamu, MP | - Vice-Chairperson |
| 3. Sen. Fatuma Adan Dullo, CBS, MP | |
| 4. Sen. Abdul Mohammed Haji, MP | |
| 5. Sen. Julius Murgor Recha, MP | |
| 6. Sen. Joseph Githuku Kamau, MP | |
| 7. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP | |

8. Sen. Lenku Ole Kanar Seki, MP
9. Sen. George Mungai Mbugua, MP

The Secretariat

The following are the members of the Secretariat serving the Committees-

1. Mr. Njenga Njuguna -Director, Governance & Accountability Committees
2. Mr. Peter K. Chemweno - Director, Departmental Committees
3. Mr. Daniel Mutunga - Deputy Director, Departmental Committees
4. Mr. George Gazemba - Principal Clerk Assistant I
5. Mr. Aden Gindicha - Principal Clerk Assistant II
6. Mr. Ahmed Odhwa - Principal Clerk Assistant II
7. Ms. Clarah Kimeli - Principal Legal Counsel II
8. Mr. Alex Mutuku - Senior Serjeant-at-Arms
9. Mr. Joseph Mwangi - Senior Clerk Assistant
10. Mr. John Mugoma - Clerk Assistant I
11. Ms. Carol Kirorei - Clerk Assistant I
12. Mr. Gilbert Juma - Legal Counsel II
13. Ms. Judith Kanyoko - Legal Counsel II
14. Ms. Grace Wahu - Clerk Assistant II
15. Ms. Delvin Onyancha - Research Officer II
16. Mr. Gideon Kipkogei - Clerk Assistant III
17. Mr. Khatib Omar - Clerk Assistant III
18. Mr. Kataa Matano - Research Officer III
19. Mr. Emmanuel Barasa - Media Relations Officer III
20. Ms. Ivy Maritim - Media Relations Officer III
21. Mr. Benson Kimanzi - Serjeant-at-Arms
22. Mr. Rodgers Kilungya - Audio Officer
23. Mr. Charles Oyosi - Audio Officer
24. Ms. Lydia Kagumba - Public Communications Officer

CHAPTER TWO

2. BACKGROUND

1. Article 243 (1) of the Constitution establishes the National Police Service comprising of the Kenya Police Service and the Administration Police Service.
2. Article 244 of the Constitution sets out the functions of the National Police Service as follows-
 - a) strive for the highest standards of professionalism and discipline among its members;
 - b) prevent corruption and promote and practice transparency and accountability;
 - c) comply with constitutional standards of human rights and fundamental freedoms;
 - d) train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity; and
 - e) foster and promote relationships with the broader society.
3. Article 245(1) of the Constitution establishes the Office of Inspector-General of the National Police Service.
4. The Office of the Inspector-General of the National Police Service fell vacant on 12th July, 2024 after the immediate former office holder, Eng. Japhet Koome Nchebere, MGH resigned from office in accordance with section 20(1)(b) of the National Police Service Act, (Cap. 84).

2.1. Legal Framework

5. The following provisions of the law were paramount to the Committees as they executed their mandate-
 - a) Article 245(2)(a) of the Constitution on the appointment of the Inspector-General;
 - b) the National Police Service Act, (Cap. 84); and
 - c) the Public Appointments (Parliamentary Approval) Act, (Cap. 7F).

Article 245(a) of the Constitution on appointment of the Inspector-General

6. Under Article 245(2)(a) of the Constitution, the Inspector-General is appointed by the President with the approval of Parliament and exercises independent command over the National Police Service.

The National Police Service Act, (Cap. 84)

7. Under section 8 and 8A of the Act, the Inspector-General of the National Police Service exercises overall and independent command over the National Police Service.

Powers and functions of the Inspector-General

8. Section 10(1) of the Act provides that the powers and functions of the Inspector-General of Police shall be to, among others—
- (a) implement policy decisions;
 - (b) audit of police operations and functioning;
 - (c) co-ordinate all police operations;
 - (d) advise the Government on policing matters and services;
 - (e) issue guidelines on community policing and ensure co-operation between the Service and the communities it serves in combating crime;
 - (f) provide the command structure and system of the Service for the efficient administration of the Service nationally;
 - (g) establish and devolve the services of the Internal Affairs Units; and
 - (h) act on the recommendations of the Independent Policing Oversight Authority.

Qualifications of Inspector-General

9. Under section 11(1) of the Act, a person shall be qualified for appointment as Inspector-General if such person—
- (a) is a citizen of Kenya;
 - (b) holds a degree from a university recognized in Kenya;
 - (c) has had a distinguished career in their respective fields;
 - (d) meets the requirements of Chapter Six of the Constitution;
 - (e) has served in a senior management position for at least fifteen years and has knowledge and experience in matters relating to any of the following discipline—
 - (i) criminal justice;
 - (ii) policy development and implementation;
 - (iii) finance and public administration;
 - (iv) strategic management;
 - (v) security;
 - (vi) law;
 - (vii) sociology; or
 - (viii) government.

Procedure for Appointment of the Inspector-General

10. Section 12 of the Act provides for the procedure for appointment of the Inspector-General as follows —
- (1) *pursuant to Article 245(2)(a) of the Constitution, the Inspector-General of the Service shall be appointed by the President with the approval of Parliament.*
 - (2) *The President shall, within **fourteen days** after a vacancy occurs in the office of the Inspector-General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament.*
 - (3) *Parliament shall, within **fourteen days** after it first meets after receiving the names of the nominee—*

- (a) consider the suitability of the nominee;
 - (b) either approve or reject the nominee for appointment; and
 - (c) the Speaker of the National Assembly shall notify the President of the decision of the Parliament.
- (4) If Parliament approves the nominee, the President shall, within seven days after receiving the notification to that effect, appoint the nominee as the Inspector-General.
- (5) If, after the expiry of a period of thirty days from the date of the nomination of a person for appointment as the Inspector-General under, Parliament has neither approved nor rejected the nomination of the person, the nominee shall be deemed to have been approved by Parliament.

The Public Appointments (Parliamentary Approval) Act, (Cap. 7F)

11. The Public Appointments (Parliamentary Approval) Act (Cap. 7F) establishes a framework and process for parliamentary approval of certain public appointments as required by law. It creates a standardized process for notifying Parliament of nominations, conducting approval hearings and decision making on appointments.
12. Section 5 of the Act on notification of nomination, provides that an appointing authority shall, upon nominating a person for an appointment, notify the relevant House of Parliament accordingly in writing and lodge the nomination with the Clerk of the relevant House of Parliament.
13. Under section 6 of the Act on approval hearing—
- a) upon receipt of a notification of appointment, the Clerk of the relevant House shall invite the Committee to hold an approval hearing;
 - b) the Committee shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing;
 - c) all Committee proceedings on public appointments shall be open and transparent; and
 - d) an approval hearing shall focus on a nominee's academic credentials, professional training and experience, personal integrity and background.
14. Section 7 of the Act provides that issues for consideration by the relevant House of Parliament in relation to any nomination shall be—
- a) the procedure used to arrive at the nominee;
 - b) any constitutional or statutory requirements relating to the office in question; and
 - c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

15. Section 8 of the Act provides that unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within twenty-eight days from the date on which the notification of nomination was given in accordance with section 5.
16. Since the National Police Service Act provides for the manner of consideration of the approval hearing of the nominee under section 12 of the Act, the timelines provided under section 8 of the Public Appointments Parliamentary Approval Act (Cap. 7F) shall not apply to the vetting of the Inspector-General.
17. During the approval hearing, section 6 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F) set out the important areas in the process, viz-
 - a) an approval hearing shall focus on a nominee's academic credentials, professional training and experience, personal integrity and background (section 6(7));
 - b) the criteria specified in the Schedule to the Public Appointments (Parliamentary Approval) Act (Cap. 7F) shall guide the approval hearing (section 6(8));
 - c) any person may, prior to the approval hearing, and by written statement on oath, provide the Clerks of Parliament with evidence contesting the suitability of a nominee to hold the office to which the nominee has been nominated (section 6(9)); and
 - d) a nominee may, at any time, by notice in writing addressed to the Clerks of Parliament, withdraw from the approval process and the nominee's nomination shall lapse (section 6(10)).

2.2. Notification of the Nomination

18. Pursuant to the provisions of Article 245(2)(a) of the Constitution, section 12(2) of the National Police Service Act (Cap. 84) and section 5 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), His Excellency, the President, Hon. Dr. William Ruto, CGH through a letter *Ref. EOP/CAB.26/4A Vol.IV/ (76)* dated 30th July, 2024, submitted to the National Assembly and the Senate, the name of Mr. Douglas Kanja Kirocho, CBS, OGW as the nominee for appointment to the position of Inspector-General of the National Police Service. A copy of the nomination by H.E. the President and the letter to the Speakers communicating the nomination are attached to this Report as ***Annex 3 (a)*** and ***Annex 3(b)*** respectively.
19. Pursuant to standing order 42(1) of the National Assembly Standing Orders, the Speaker of the National Assembly conveyed the message on the nomination to the National Assembly on Thursday, 1st August, 2024. A copy of the communication from the Speaker of the National Assembly is attached to this Report as ***Annex 4 (a)***.

20. Similarly, at a sitting of the Senate held on 1st August, 2024, the Speaker of the Senate conveyed the message on the nomination pursuant to standing order 47(1) of the Senate Standing Orders. A copy of the communication from the Speaker of the Senate is attached to this Report as *Annex 4 (b)*.
21. Pursuant to section 4 of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F), standing order 216 (5) (f) of the National Assembly Standing Orders and Standing Order 77(1) of the Senate Standing Orders, the name of the nominee was submitted to the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security, Defence and Foreign Relations to jointly hold an approval hearing and report to the respective Houses on the suitability of the nominee for appointment.

2.3. Notification to the Public

22. In accordance with section 6(3) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F), standing order 45(3) of the National Assembly Standing Orders and standing order 77(2) of the Senate Standing Orders, the Clerk of the National Assembly and the Clerk of the Senate placed advertisements in the local dailies notifying and inviting Mr. Douglas Kanja Kirocho, CBS, OGW to attend an approval hearing scheduled to take place on Thursday, 15th August, 2024 at the Parliament Buildings, Nairobi at 10.00 a.m. A copy of the Notification of the Approval Hearing of Mr. Douglas Kanja Kirocho, CBS, OGW, nominee for appointment to the position of Inspector-General of the National Police Service is attached to this Report as *Annex 5*.
23. This notification was followed up with letters to Mr. Douglas Kanja Kirocho, CBS, OGW inviting him to attend the approval hearing and requesting him to submit the completed Questionnaire set out in the Schedule to the Public Appointments (Parliamentary Approval) Act, (Cap. 7F) together with clearance certificates from the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Office of the Director of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP), the Office of the Director of Public Prosecutions (ODPP) and any credit reference bureau. A copy of the invitation letter to Mr. Douglas Kanja Kirocho, CBS, OGW is attached to this Report as *Annex 6*.
24. Pursuant to the provisions of Article 118 of the Constitution, section 6(3) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F), standing order 45(3) of the National Assembly Standing Orders and standing order 77(2) of the Senate Standing Orders, the Clerk of the National Assembly and the Clerk of the Senate, by way of advertisements in print media, notified the general public of the intention of the Committees to conduct the approval hearing on Thursday, 15th August, 2024 at Parliament Buildings, Nairobi at 10.00 am.

25. Section 6(9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F) provides that *“any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a nominee to hold the office to which the nominee has been nominated”*.
26. This section therefore permits any person to provide the Clerk of the National Assembly or the Clerk of the Senate with evidence contesting the suitability of a nominee to hold the office to which the nominee has been nominated or recruited. Notably, such evidence should be provided to the Clerks in the form of a written statement made on oath and must be submitted prior to the approval hearing.
27. In conformity with this provision, the Clerk of the National Assembly and the Clerk of the Senate, through an advertisement in print media on Saturday, 3rd August, 2024, invited the public to submit memoranda, vide written statements on oath, on the suitability of the nominee on or before Monday, 12th August, 2024 at 5.00 p.m. A copy of the invitation for submission of memoranda is attached to this Report as *Annex 5*.

2.4. Clearance Requirements

28. The Clerks of the Houses of Parliament wrote to the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), the Ethics and Anti-Corruption Commission (EACC), the Office of the Registrar of Political Parties (ORPP), Office of the Director of Public Prosecutions (ODPP) and the Directorate of Criminal Investigations (DCI) requesting for the tax, education loans, integrity, affiliation to political parties and criminal record status of Mr. Douglas Kanja Kirocho, CBS, OGW. Copies of the letters to the various institutions are attached to this Report as *Annex 7*, while the Clearance Reports are attached to this Report as *Annex 8*.

2.5. Committee proceedings

29. In preparation for the approval hearing, the Committees held a joint sitting on Tuesday, 13th August, 2024 for briefing on the approval hearing process and the memoranda received in relation to the suitability of the nominee. Copies of the Minutes are attached to this Report as *Annex 2*.
30. The Committees considered the legal framework relating to the approval hearing process, considered the nominee's Curriculum Vitae and testimonials and considered possible questions to the nominee among other housekeeping issues.
31. The Committees were informed that a total of thirty (30) memoranda had been received from the public on the suitability of the nominee. A copy of the matrix

summarizing the memoranda received from the public is attached to this Report as *Annex 9*.

32. Out of the thirty (30) submissions, only two (2) memoranda that contested the approval of the nominee complied with section 6 (9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F), as the memoranda were statements on oath. These were from the following-

- 1) Eng. Mathenge from Tharaka Nithi County, Magutuni Location; and
- 2) Mr. Eliud Karanja Matindi.

Copies of the memoranda are attached to this Report as *Annex 10*.

33. A further two (2) memoranda contested the approval of the nominee but did not comply with section 6 (9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F) as they were not statements on oath. These were from the following-

- 1) Mr. Njoroge wa Kamuiru; and
- 2) Ms. Rose Njeri Ng'ang'a.

Copies of the memoranda are attached to this Report as *Annex 11*.

34. The Committees were further informed that twenty-three (23) memoranda in support of the approval of the nominee had been received from the public. However, the same did not comply with section 6(9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F), as they were statements on oath but were not statements contesting the suitability of a nominee. These memoranda were from the following-

- 1) Mr. Simon Ndwiga Kibuchi;
- 2) Ms. Mary Waigwa;
- 3) AIGP John N. Ndungu Esq C/O East Africa Police Chiefs Counter Terrorism Centre for Excellence;
- 4) Mr. Cyrus Ombati;
- 5) Mr. James Nduati Ngoyo;
- 6) Ms. Sandra Kendi;
- 7) Ms. Mercy Mariga;
- 8) Ms. Victoria Osure;
- 9) Mr. Charles Mariga;
- 10) Mr. Richard Mutisya;
- 11) Ms. Purity Ngina (CEO, National Gender and Equality Commission);
- 12) His Grace Bishop Samuel N. Njiriri HSC (Chairman Federation of Evangelical & Indigenous Christian Churches Kenya);
- 13) Mr. Collins Nyandeghe Mong'are;
- 14) Mr. Victor Maina (Chairperson of the Board of Management at St. Joseph Allamano Secondary School);
- 15) Mr. Abdi Noor Mohamed;
- 16) Mr. Hassan Kirua Ole Naado, Chairperson of the Supreme Council of Kenya Muslims;
- 17) Mr. Morris Wang'ombe Nderi;

- 18) Mr. John K. Misoi;
 - 19) Dr. Nelson Makanda;
 - 20) Ret. Rev. Dr. Samuel Thiong'o Mwangi (General Overseer in the Evangelistic Christian Fellowship Church International);
 - 21) Archbishop Fredrick Wang'ombe (Archbishop in the AIPCA Church in Kenya);
 - 22) Rt. Rev. Dr. Robert Waihenya (General Secretary of the Presbyterian Church of East Africa (P.C.E.A));
 - 23) Steve Maina (Chairperson, Nyeri Youth Board Forum);
- Copies of the memoranda are attached to this Report as *Annex 12*.

35. The Committees also received memoranda that were neither supporting nor contesting the suitability of the nominee from the following-

- 1) Captain Brown Amani;
- 2) Mr. Jacques Ojwang Okoth; and
- 3) Wolde Doyo Fanje (Junior Officer, National police Service)

The aforementioned individuals submitted questions that the Committees should pose to the nominee. Copies of the memoranda are attached to this Report as *Annex 13*.

CHAPTER THREE

3. APPROVAL HEARING FOR THE NOMINEE

36. Pursuant to the provisions of the Public Appointments (Parliamentary Approval), (Cap. 7F), the Committees jointly held the approval hearing on Thursday, 15th August, 2024. The Committees examined the nominee pursuant the criteria provided in the Public Appointments (Parliamentary Approval) Act, (Cap. 7F) and considered the following in vetting the nominee-
- (a) academic qualifications;
 - (b) employment record and work experience;
 - (c) public office, political activities and affiliations;
 - (d) potential conflict of interest;
 - (e) suitability to the position;
 - (f) tax compliance;
 - (g) vision and leadership;
 - (h) integrity; and
 - (i) expectations and key priorities.
37. The Committees sought information from the following agencies on the nominees clearance and compliance status-
- (a) The Kenya Revenue Authority, indicating that the nominee was tax compliant;
 - (b) The Higher Education Loans Board, stating that the nominee had no outstanding loans owed to the Board;
 - (c) The Ethics and Anti-Corruption Commission confirming that the Commission had not undertaken any investigations against the nominee;
 - (d) The Directorate of Criminal Investigations outlining that the nominee was not the subject of any investigation undertaken by the Directorate;
 - (e) The Office of the Director of Public Prosecutions confirming that the Office had not received any adverse reports and had not undertaken any criminal investigations on the nominee; and
 - (f) The Office of the Registrar of Political Parties confirming that the nominee was not an official of any registered political party in the country.

3.1. Consideration of Memoranda

38. The Committees considered the two (2) memoranda received that complied with the provisions of section 6(9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F).

Memorandum by Eng. Mathenge from Tharaka Nithi County, Magutuni Location

39. Eng. Mathenge who submitted a written statement on oath raised the following issues-
- (a) Under the instructions of the nominee, his Personal Assistant (PA), Mureithi Bundi who is also the deponent's neighbour and the current OCS Magutuni Police Station namely Benard Mweki Makembo also from the area, the nominee has persistently persecuted, molested,

- harassed and even evicted the deponent from his legally owned land using armed police officers and threatened to kill the deponent;
- (b) the nominee, his PA, and the OCS have all served GSU before they joined regular police. The OCS and the PA have had the intention of killing him;
 - (c) the nominee had engaged in harassment of other residents by arresting and charging them with trumped up charges and where a bribe was not offered they were taken to court;
 - (d) the OCS had arrested the deponent and ten (10) members of his family including his brother aged 84 years, with trumped up charges so that he could freely take the deponent's land;
 - (e) the OCS and the PA had employed several young men to sell bhang, and the money was wired to the Police Headquarters through the PA;
 - (f) the nominee being in charge of police operations in Kenya was personally approached by the deponent to complain but instead he was kidnapped by the police officers, and under the instructions of the OCS and the PA, tortured and left to die near River Sagana;
 - (g) the said nominee for appointment to the position of Inspector-General of the National Police Service was not a fit and proper person to hold such high office because he had clearly shown that he was a person to misuse such powers; and
 - (h) there were so many people the nominee had used his powers to harass within the area leaving them to suffer from his high handedness.

Memorandum by Mr. Eliud Karanja Matindi

40. The Committees considered a memorandum from Mr. Eliud Karanja Matindi contesting the approval of the nominee. In the memorandum, he stated that-
- (a) section 11 of the National Police Service Act (Cap. 84) provides for the qualifications of a person to be appointed as Inspector-General of the National Police Service;
 - (b) under Articles 10(2) and 232 of the Constitution, it is only through fair competition and merit that it can be shown that a nominee for approval for appointment meets the qualifications necessary to hold the office of Inspector-General;
 - (c) the nominee was not nominated for approval for appointment after fair competition and merit; and
 - (d) it cannot be shown that the nominee meets the qualification for appointment.

3.1.1 Mr. Douglas Kanja Kirocho's Response to the Memoranda

41. Mr. Douglas Kanja Kirocho, CBS, OGW responded to the memoranda by responses dated 8th July, 2024. Copies of the responses are attached to this Report as *Annex 15*.

42. With regard to the memorandum by Eng. Mathenge, the nominee informed the Committees as follows-

- 1) On 5th January, 2024, Eng. Jackson Mathenge visited his then office at the Kenya Police Service Headquarters and complained about the OCS, Magutuni Police Station, Chief Inspector Bernard Mwitikari, whom he alleged had subdivided his piece of land with the intention to grab it from him;
- 2) He requested the nominee to transfer the OCS from the station for peace;
- 3) He took the complaint seriously and instructed the Director, Quality Assurance at the Kenya Police Service to take down the complaint in writing and have the allegations investigated swiftly so that appropriate measures could be taken;
- 4) The Directorate of Quality Assurance subsequently dispatched a team for investigations and the said allegations were found to be non-existent;
- 5) The complainant declined to turn up to even show the land in question;
- 6) The team established that prior to the request for transfer of the OCS Magutuni, the complainant Eng. Mathenge had been arrested at the station for assaulting a KPLC employee by the name Godfrey Mwongera, vide OB No. 14/28/10/23 of Magutuni Police Station.
- 7) The investigators noted a number of other cases, mainly on assault touching on Eng. Mathenge and his son, which were all active in court. In addition, his home was linked with the trafficking of *cannabis sativa* (bhang). Undercover agents reported to have purchased a roll of bhang from his homestead through a wall opening;
- 8) Based on the findings and recommendations of the investigations, it was established that the OCS, Magutuni was being targeted for his firmness in enforcing the law and the nominee therefore found no reason for his transfer;
- 9) Further, security analysis was conducted by the Tharaka Nithi County Security and Intelligence Committee and a decision was made to seek a search warrant to search Eng. Mathenge's home due to complaints regarding drug trafficking from his home. A search warrant was granted and the search was conducted on 12/03/2024. In this regard, he had several active cases in court and two warrants of arrest for failing to appear before court;
- 10) Having failed to intimidate the OCS Magutuni and the Regional Commander, Eastern who he visited and threatened, Eng. Mathenge shifted his focus to the nominee's PA, Mr. James Murithi, alleging that he was his next-door neighbor and that out of their family differences, he was behind his tribulations. He further threatened to sue Mr. Murithi and the OCS, Magutuni for abuse of office if they were not removed from office within fourteen (14) days, which he failed to do;
- 11) He denied the allegations in Eng. Mathenge's Affidavit while observing that the deponent failed to provide his full names and address and failed to provide any evidence to back his allegations. In addition, his Advocate's address was unclear.
- 12) He stated that the Affidavit was malicious, unfounded and that the Committees should treat it as such.

43. With regard to the memorandum by Mr. Eliud Karanja Matindi, the nominee informed the Committees as follows-

- 1) section 86 of the Security Laws (Amendment) Act, 2024 gave the President authority to nominate a person for parliamentary vetting, for subsequent appointment to the office of Inspector-General, if found suitable. His qualifications for the office of the Inspector-General should therefore not be disputed on the basis of mere opinion; and
- 2) he was fully qualified and fit for appointment subject to approval by Parliament.

3.2 Approval Hearing

44. The nominee presented before the Committees his original academic certificates and testimonials, a confirmation of the authenticity of his degree certificate from the Commission of University Education, certificate of good conduct issued by the Directorate of Criminal Investigations, loan clearance certificate from the Higher Education Loans Board, clearance certificate from the Ethics and Anti-Corruption Commission, clearance certificate from the Office of the Director of Criminal Prosecutions, clearance certificate from the Kenya Revenue Authority and a letter from the Office of the Registrar of Political Parties confirming he was not an official of any political party registered in Kenya.

3.3 The Nominee's Background

45. Mr. Douglas Kanja Kirocho, CBS, OGW informed the Committees that he is a Kenyan citizen and did not hold dual citizenship. He was born in Njatheini Village, Mathira West Sub County, Nyeri County on 22nd September, 1963. He further informed the Committees that he was married with three (3) children and six (6) grandchildren.

3.4 Academic and Professional Qualifications

46. Mr. Douglas Kanja Kirocho, CBS, OGW informed the Committees that he holds a Bachelor's degree in Commerce (Finance) from the Inoorero University acquired in 2014 and a Diploma in Business Management acquired in 2009. He is currently pursuing a Master's degree in Business Administration, (Strategic Management) at Mt. Kenya University.

47. Additionally, he holds a number of professional training certifications in various disciplines including Certificate in Senior Mission Leaders Training, Strategic Management and Resolution, Strategic Leadership Development, Arms Marking and Database Creation, Advanced Arms Marking System Management and Senior Management Course.

48. He further attended the Armourer's Training College and the General Service Unit Training College and has qualifications in Advanced VIP Protection.

3.5 Employment Record and Work Experience

49. The nominee joined the then Kenya Police Force, General Service Unit Training School in 1985. He started his career as a Constable in 1986 with his first assignment in the North Rift Region serving in Lokichogio, Tot and Kapedo.
50. He had risen through the ranks within the National Police Service to the position of Acting Inspector-General in 2024, where he served until his nomination for appointment to the position of Inspector-General.
51. He enumerated his employment record as below-
- a) Acting Inspector-General, National Police Service – July, 2024;
 - b) Deputy Inspector-General – April, 2023 to July, 2024;
 - c) Commandant, General Service Unit – May, 2018 to April, 2023;
 - d) Deputy Commandant, GSU – 2015 to 2018;
 - e) Deputy Commandant, Kenya Airports Police Unit – 2013 to 2015;
 - f) County Police Commandant, Kilifi County – 2015;
 - g) Chief Armourer, Police Headquarters – 2005 to 2013;
 - h) Deputy Chief Armourer, Police Headquarters – 2004 to 2005;
 - i) Officer in Charge High Ridge Presidential Escort Unit Camp – 2003 to 2004;
 - j) Unit Armourer GSU, 1996 to 2003;
 - k) Platoon Commander – 1991 to 1996;
 - l) Section Commander/Armourer Trainee – 1988 to 1990;
 - m) Police Constable/ Armourer Trainee – 1987 to 1988; and
 - n) Security Operations, GSU – 1985 to 1986.

3.6 Honors and Awards

52. The nominee informed the Committees that he had received the following honours for distinguished professional services to members of the public-
- (a) the Presidential Honour, Chief of the Order of the Burning Spear (CBS) issued in December, 2023;
 - (b) the Presidential Honour, Elder of the Order of the Burning Spear (EBS) issued in December, 2019; and
 - (c) the Presidential Honour, Order of the Grand Warrior (OGW) issued in December, 2010.

3.7 Relevant experience for the position of Inspector-General

53. The nominee informed the Committees that he had served for a period of thirty nine (39) years in the Police Service having risen through the following ranks-
- a) Acting Inspector-General, National Police Service – July, 2024
 - b) Deputy Inspector-General, Kenya Police Service – April 2023 to July, 2024;
 - c) Senior Assistant Inspector-General – 2019 to 2023;
 - d) Assistant Inspector-General – 2016 to 2019;
 - e) Commissioner of Police – 2015 to 2016;

- f) Senior Assistant Commissioner of Police – 2011 to 2015;
- g) Assistant Commissioner of Police – 2008 to 2011;
- h) Senior Superintendent of Police – 2006 to 2008;
- i) Superintendent of Police – 2005 to 2006;
- j) Acting Superintendent of Police – 2004 to 2005;
- k) Chief Inspector of Police – 2000 to 2004;
- l) Inspector of Police – 1996 to 2000;
- m) Acting Inspector of Police – 1991 to 1996;
- n) Police Corporal – 1988 to 1991;
- o) Police Constable – 1986 to 1988; and
- p) Recruit Police Constable – 1985 to 1986.

54. He informed the Committees that he coordinated the swift operation in response to the Dusit D2 terrorist attack in January, 2019, an operation that took up to seventeen (17) hours. The team he led rescued and evacuated about one thousand two hundred (1200) people despite the loss of twenty-one (21) lives.

55. He also led an operation named “*Operation Fagia Msitu*” in Boni Forest, Lamu County, which saw a tremendous reduction in terrorist attacks and activities in the region.

3.8 Integrity and Leadership

56. The nominee informed the Committees that he had never been adversely mentioned in any report by a Parliamentary Committee or investigated by any Independent Commission. He also confirmed that he had no previous conviction or any ongoing case in court and that he was a person of high integrity. The nominee further submitted clearance reports from the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigation (DCI), the Office of the Director of Public Prosecutions (ODPP), the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties (ORPP).

57. He informed the Committees that he had at all times upheld the values and principles of governance as provided under Article 10 of the Constitution. In this regard, he stated that he operated an open-door policy in the execution of his management duties. He further stated that he treated his officers and the public with fairness, justice and equity.

58. In addition, he informed the Committees that in one instance, he disbanded an entire interview panel which was found to have been operating outside the provisions of the law. He proceeded to set up a new panel for the recruitment process and subjected the previous officers to disciplinary action.

3.9 Financial Net worth

59. The nominee stated that his net worth is Kshs. forty-six million (46,000,000) consisting of-

- a) land;

- b) farming activities;
- c) homes/rental houses;
- d) salary; and
- e) sacco shares and dividends.

3.10 Conflict of Interest

60. He informed the Committees that he had no conflicts of interest with regard to the performance of his constitutional duties in the service. He also made a commitment that conflicts of interest would not arise under his tenure of service if approved.

3.11 Public Office, Political Activities and Affiliations

61. The nominee was not affiliated to any political party as per the communication received from the Office of the Registrar of Political Parties.

3.12 Vision of the Nominee

62. The nominee informed the Committees that he would adopt a multidisciplinary approach for consultation, collaboration and cooperation among key relevant agencies and stakeholders in the management of the security of the Republic of Kenya.

3.13 Other Emerging Issues

63. The nominee responded to queries raised by the Members in various thematic areas. His responses are summarized below-

Banditry and cattle rustling

64. The nominee acknowledged that banditry, cattle rustling and insecurity still persisted but there had been enhanced deployment and response to the same in the North Rift region. He noted that there was need for short, medium- and long-term interventions, while observing that cattle rustling had become a commercial practice.
65. He added that education was a key leverage which required serious investment to educate the communities to abandon some of the negative traditions relating to cattle rustling. He also noted that there was need to introduce alternative economic activities such as crop farming to diversify the sources of income in these regions as a way to avert the serious conflicts related to cattle rustling. He further observed that underfunding was a major challenge hampering effective response to banditry and cattle rustling in the North Rift.
66. The nominee stated that if approved, he would work with various agencies including the Kenya Defence Forces, NIS and the Ministry of Agriculture and Livestock Development to come up with lasting solutions to the menace. He would further leverage on technology for tracking of stolen livestock as well as

community education on the adverse effects of engaging in cattle rustling and banditry.

67. In addition, he committed to providing additional NPRs who had a better understanding of the local terrain and were in a position to provide local solutions to the insecurity in the affected areas. He further committed to work with the local leadership for local solutions to address the menace once and for all.

Disarmament and illegal firearms

68. With regard to disarmament and illegal firearms, he submitted that the country had porous borders with neighbouring countries especially Uganda, Ethiopia and Somalia, which allowed the infiltration and proliferation of illegal firearms into the country. He undertook to work with small arms agencies among other stakeholders, and partner with neighbouring countries to identify the sources of the arms in order to curb the influx into the country and destroy illegal arms found within our borders.

Conflict of interest

69. The nominee acknowledged there were some cases of conflict of interest within the Service, where officers owned alcoholic beverage outlets, break down vehicles, public service vehicles among others; while other officers were allegedly engaged in drug trafficking activities. He stated that if approved, he would work with relevant agencies including the NIS to ensure that the appropriate action is taken against those found culpable.

Handling of demonstrations

70. On the right to assemble, demonstrate, picket and present petitions to public authorities, the management of the recent demonstrations and the invasion of Parliament, the nominee stated that the demonstrations were well handled by the NPS. He added that extra judicial killings were illegal and would not be allowed. He further submitted that the Police should be at the forefront in protecting the rights and freedoms of the citizens, noting that where one person's rights ended, another person's rights began. He added that excessive use of force was disallowed and that investigatory agencies including IPOA and ODPP should investigate complaints lodged against police officers.
71. He noted that the invasion of Parliament was regrettable, noting that the multitude of the demonstrators was not anticipated thus overwhelming the repulsion capability of the Police. In addition, various roads had been blocked affecting access to the Central Business District, hampering the provision of crucial supplies such as water for water cannons and additional equipment to quell fires and the demonstrations. Going forward, he committed to ensure that Parliament as a strategic national state installation was safe and secure, and that he would enhance training for officers and improvement of equipment for effective response to various security threats and emergencies.

Fight against Corruption

72. The nominee stated that there was need for serious national discourse on the fight against corruption. There was need for candid conversations on the adverse effects of corruption at home between parents and children and on religious platforms. He indicated that he would work closely with the NPS officers, the NPSC, IPOA and EACC to develop a policy framework to mitigate the corruption menace. He further stated that he would establish an independent command structure answerable to specific bodies within the NPS, for accountability purposes to ensure that corruption is contained within the Service.
73. He added that police officers must be in uniform at all times while on duty, with their names and service numbers well displayed.
74. He also stated that there was need for all leaders to be actively engaged in the fight against corruption and made a commitment to look into the conduct of police officers.
75. He submitted that he would leverage on technology, especially the use of body-worn cameras to enhance the fight against corruption.

Deployment of police officers to the Multinational Security Support Mission for Haiti

76. The nominee acknowledged that the Government had deployed about six hundred (600) officers to the Multinational Security Support Mission for Haiti, a request by the United Nations and the former Prime Minister of Haiti. He submitted that the police officers were well received by the people of Haiti and had achieved major milestones and successes in restoring security and normalcy in the country.
77. Notably, transport infrastructure including highways, airports and sea ports had been reopened. In addition, resumption of services in hospitals had been restored.
78. He added that the United Nations was responsible for providing remuneration, insurance, catering and other support services for the police officers.
79. With regard to the benefits to Kenya from the deployment of the police officers to Haiti, he stated that the officers would gain invaluable experience and that the status and prestige of the Republic would be raised globally.

Police Reforms

80. The nominee stated that the former Inspector-General had constituted a team for the implementation of the recommendations of the National Taskforce on improvement of the terms and conditions and other reforms for the members of the National Police Service.

81. The NPS had categorized the Maraga Report recommendations into three categories, those that did not require funding, those that required funding in the long term and those that required funding in the short term. He added that there were some other recommendations that required policy changes and amendment of the law for implementation and that the process was ongoing.
82. The nominee informed the Committees that the recommendation on salary increment for members of the Police Service had already been effected. He further informed the Committees that the process of designing new uniform had begun and a resolution had been made to do away with the blue uniform that was being used in general duty urban areas.

Housing

83. The nominee indicated that houses would be constructed where the National Police Service owned parcels of land and members of the National Police Service would be encouraged to save and acquire houses through the Affordable Housing Program.
84. He stated that if appointed, he would ensure that police live in dignified accommodation.

Budget Cuts

85. With regard to budget cuts and austerity measures, the nominee informed the Committees that he would engage in deliberations with various Departments within the Service on the prioritization of key programmes mainly welfare, training, maintenance of equipment and infrastructure and enhancing the operations of the Directorate of Criminal Investigations.
86. He added that he would lobby for additional funding to ensure effectiveness and efficiency in the operations of the police service.

Operations of Regional Police Training Centres

87. The nominee submitted that the regional police training centres were strategically located to address the unique security challenges that were specific to the various regions. He added that the budget allocated to the NPS was a third of the requested funding. As a result of the limited funding, the Service prioritized key programmes resulting in minimal support to the regional training centres, rendering them non-functional. He therefore stated that there was need for additional funding to ensure that the training centres were fully functional. He noted that the Coastal and North Eastern regional training centres were the only operational centres, but still required additional funding.

Transfers, promotions and recruitment of police officers

88. The nominee submitted that the NPS lost officers through natural attrition. He informed the Committees that the last recruitment exercise was done in 2021 and that there were budgetary allocations for recruitment in the Financial Year

2024/2025. He stated that under his leadership the policy of transfer of officers within three (3) years would be fully implemented.

89. He reiterated that if approved, as head of the NPS and member of the NPSC, he would ensure that all issues relating to human resource management and development were undertaken within the provisions of the law and attendant policies of the Police Service.

Designation of the Inspector-General as the Accounting Officer of the NPS

90. The nominee stated that he supported the appointment of the Inspector-General as the Accounting Officer of the NPS which was critical in ensuring accountability as well as limiting the stringent bureaucracies in the approval process and therefore improving the effectiveness of the operations of the NPS.

Cooperation within the NPS

91. The nominee acknowledged that there were a few challenges within the various Departments of the NPS, but the same would be effectively addressed if he was approved for the position of Inspector-General.

Security and staffing of police posts and human and drug trafficking in ASAL and border areas

92. The nominee informed the Committees that he would increase the numbers of NPRs in the ASAL and border areas and would seek to implement the three (3) year deployment plan as per policy.
93. He acknowledged that there existed human and drug trafficking activities especially at the Kenya-Ethiopia border. He committed to ensure that the activities would be contained and that he would also seek to enhance intelligence collection in the areas for the purposes of effective response.

Effectiveness in police operations

94. With regard to the Shakahola massacre, where over five hundred (500) people lost their lives as well as the bizarre incident in which thirty (30) female bodies were retrieved at the *Mukuru Kwa Njenga* Dumpsite, the nominee submitted that he would work with relevant agencies to ensure that such atrocities did not reoccur in the future.

Disruption of learning

95. The nominee acknowledged that learning had been disrupted in a number of Counties where insecurity was rampant. He made a commitment to direct his efforts to restore security in the affected areas for the resumption of learning.

Community policing

96. The nominee submitted that if approved, he would enhance community policing capabilities through cooperation and collaboration between the NPS and the community policing structures, noting that the community policing officials had

a better understanding of security challenges on the ground, which would be useful in assisting the police in responding to security concerns.

Gender mainstreaming and gender-based violence

97. The nominee stated that he supported gender mainstreaming and, in this regard, many female officers had been appointed to serve as Service Commanders in the Nairobi region. He added that police stations had established gender desks to deal with issues of gender, but there was still need for increased investment for their effectiveness.
98. The nominee submitted that there was need for a community conversation on gender related issues for enhanced awareness on the respect for each gender and for a more cohesive society. He also envisioned police stations as being centres of excellence in the handling of diverse gender issues.

Communication

99. The nominee submitted that if approved, he would constitute a competent communication team within the Service for the purpose of improving communication with the public and flow of information to ensure factual reporting in a timely manner, as well as avoid misinformation.

Road carnage

100. The nominee informed the Committees that with regard to the reduction of road carnage, he would leverage on technology to monitor speeding vehicles and those breaking traffic regulations. He would endeavor to educate officers on the adverse effects of corruption on the roads.
101. He stated that he supported the mobile road blocks as recommended by the Maraga Report, which would be established on a need basis as opposed to permanent roads blocks which are perceived to be used by traffic police officers to collect bribes from motorists.

Medical insurance cover for police officers

102. The nominee submitted that medical insurance covers for police officers were in place which was to be paid for before utilization. However, due to delays in budgetary allocations, the officers were unable to have access to the cover.

CCTV cameras on highways

103. The nominee stated that he would ensure that the cameras on major highways in Nairobi, Mombasa among others,¹ which were dysfunctional were restored so as to monitor vehicles that violate traffic rules for interception and investigative purposes. The CCTV cameras would also aid in monitoring police officers' conduct while on duty so as to curb corruption on the roads.

Operationalization of gazetted police stations

104. The nominee submitted that underfunding was a major challenge to the operationalization of newly gazetted police stations, which also hampered the provision of vehicles in the stations. On the same note, he stated that going

forward, police operations would be intelligence led rather than haphazard operations which led to harassment and torturing of innocent citizens.

Monies collected from police enterprises

105. The nominee informed the Committees that police enterprises were run either through contracts or committees and were for welfare purposes. He stated that if approved, he would act on the allegations that monies generated from the enterprises went into the pockets of senior officers in the Service and not into the activities of the NPS.

Appeals from dismissed police officers

106. The nominee acknowledged that there were active appeal cases from officers who had been dismissed from the Service. He submitted that he would work closely with the NPSC to ensure that the cases are reviewed in a fair manner and appropriate action is taken based on the merit of each case.

CHAPTER FOUR

4 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

4.1 Committee Observations

107. Having considered the nominee's filed Questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), his curriculum vitae and oral submissions during the approval hearing; and having analyzed submissions and representations received on the suitability of the nominee for appointment to the position of Inspector-General of the National Police Service, the observations were that-

- 1) Whereas the Committees considered all submitted memoranda, section 6 (9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F) requires interested members of the public to submit any representations, by written statements on oath (Affidavits) contesting the approval of the nominee. Only two (2) out of the thirty (30) memoranda received fulfilled this requirement;
- 2) Whereas the memorandum by Mr. Eliud Karanja Matindi was in compliance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, (Cap. 7F), it contested that the nominee was not nominated for approval for appointment after fair competition and merit. The Committees observed that under Article 245 of the Constitution and section 12(2) of the National Police Service Act (Cap. 84), the Inspector-General is nominated by the President with the approval of Parliament.
- 3) Whereas the memorandum by Eng. Mathenge was in compliance with section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), the deponent did not provide any evidence to support his allegations.
- 4) The issues raised in the two (2) memoranda contesting the suitability of the nominee by Eng. Mathenge and Mr. Eliud Karanja Matindi have been sufficiently and satisfactorily addressed by the nominee and do not provide sufficient evidence to warrant the disqualification of the nominee for appointment to the position of Inspector-General.
- 5) Regarding the suitability of the nominee for appointment to the position of Inspector-General of the National Police Service, the Committees observed-
 - a) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born in 1963 in Mathira, Nyeri County and does not hold dual citizenship. The Committee noted that at the time of the hearing, the nominee was sixty one years old. Article 245 of the Constitution does not prescribe an age limit for the Inspector-General. Further, section 76 of the National Police Service Act (Cap. 84) excludes the Inspector-General from the retirement age of sixty years.

- b) **THAT**, in accordance with section 11(1) of the National Police Service Act (Cap. 84), the nominee holds a Bachelor's degree in Commerce (Finance) and a Diploma in Business Management. In addition, the nominee has served in various capacities in the National Police Service since 1986, having risen through the ranks from Constable to Ag. Inspector-General.
- c) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Office of the Director of Public Prosecutions (ODPP), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loans Board (HELB).
- d) **THAT**, the nominee has not been charged in a court of law in the past three years.
- e) **THAT**, the nominee does not hold office in any political party.
- f) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77 (restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
- g) **THAT**, the nominee demonstrated knowledge of topical, administrative and technical issues relating to governance and has the requisite abilities, qualifications and experience to serve as the Inspector-General of the National Police Service.

4.2 Committee Recommendation

108. The Committees having considered the suitability, competence, experience and integrity of Mr. Douglas Kanja Kirocho, CBS, OGW following the approval process, and taking into account its observations and findings, and pursuant to the provisions of the Constitution, Public Appointments (Parliamentary Approval) Act, (Cap. 7F), the National Police Service Act, (Cap. 84), the National Assembly Standing Orders and the Senate Standing Orders, recommend that Parliament **approves** the nomination of Mr. Douglas Kanja Kirocho, CBS, OGW for appointment as the Inspector-General of the National Police Service.

