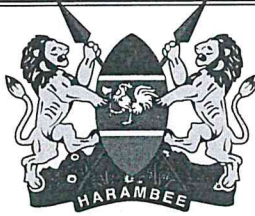


Approved
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9/10/24



REPUBLIC OF KENYA


THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION - 2024

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ON-

THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024
(NATIONAL ASSEMBLY BILLS NO. 23) BY HON. PETER MASARA, MP

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 09 OCT 2024	DAY: Wednesday
TABLED BY:	Mie Chesreson (Mrs. Ravo Dido)
CLERK-AT THE-TABLE:	Ronda Rilikei

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CHAIRPERSON'S FOREWORD

The National Police Service Commission (Amendment) Bill, 2024, (National Assembly Bill No. 23), sponsored by the Hon. Peter Masara, MP was read a first time on 5th June, 2024 and committed to the Departmental Committee on Administration and Internal Security for consideration and reporting to the House, pursuant to Standing Order 127(1).

The principal object of the Bill is to make provision for the mental wellness and wellbeing of police officers including but not limited to the establishment of psychosocial support centres for police officers. The Bill recognizes that in the execution of their tasks, police officers work in potentially confusing roles alternating between law enforcement and public service and constantly face danger or mortality to ensure the safety of others. In some cases, due to the unique challenges of policing, they inflict harm on human beings as police work is more stressful than other jobs.

The Bill therefore gives the National Police Service Commission various mandates aimed at promotion of the mental health of police officers.

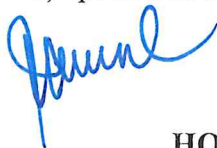
Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), advertisements for request for submission of memoranda were placed in the Daily Nation and the Standard newspapers on 12th June, 2024 inviting interested members of the public to submit views on the Bill. The Committee received submissions from Hon. Peter Francis Masara, MP, the State Department for Internal Security and National Administration, the National Police Service Commission, the Independent Policing Oversight Authority (IPOA), the National Association of Retired Police Officers Kenya (NARPOK), Kenya National Commission on Human Rights (KNCHR), the National Police Service and the Law Society of Kenya. All the submissions were considered by the Committee.

The Committee, having considered the National Police Service Commission (Amendment) Bill, 2024 (National Assembly Bill No. 23) sponsored by the Hon. Peter Francis Masara, MP clause by clause and taking into consideration views and recommendations of the public pursuant to Standing Order 127(3A), made observations and recommendations contained in Part Four and Part Five of this report.

Acknowledgement

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings.

On behalf of the Committee, and pursuant to Standing Order 199(6), it is my pleasant duty to table the Report of the Departmental Committee on Administration and Internal Security on its consideration of the National Police Service Commission (Amendment) Bill, 2024 (National Assembly Bill No. 23) sponsored by the Hon. Peter Francis Masara, MP.



**HON. GABRIEL TONGOYO, MP
CHAIRPERSON**

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

PART I

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Administration and Internal Security is constituted pursuant to the National Assembly Standing Order 216 part 5 of which mandates Departmental Committees to—
 - a. *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. *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
(ba) on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
 - c. *study and review all legislation referred to it;*
 - d. *study, assess and analyze the relative success of the Ministries and departments by the results obtained as compared with their stated objectives;*
 - e. *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;*
 - f. *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
(fa) examine treaties, agreements and conventions;
 - g. *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - h. *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - i. *examine any questions raised by Members on a matter within its mandate.*

1.2 Subjects of the Committee

2. In executing its mandate, the Committee is mandated to consider the following subjects:
 - a. Home affairs, internal security – including police services and coast guard services;
 - b. Public administration; and
 - c. Immigration and citizenship.

1.3 Committee Membership

3. The Committee comprises of the following Members: -Indicate the Members political parties and ensure the font is the same as the rest of the report

Hon. Gabriel Tongoyo, MP
Chairperson
Narok West Constituency

Hon. Col. (Rtd.) Dido Rasso, MBS, MP
Vice Chairperson
Saku Constituency

Hon. Kaluma George Peter, MP
Homa Bay Constituency

Hon Protus Ewesit Akujah, MP
Loima Constituency

Hon. Aduma Owuor, MP
Nyakach Constituency

Hon. Rozaah Akinyi Buyu, MP
Kisumu West Constituency

Hon. Fred C. Kapondi, MP
Elgon Constituency

Hon. Caroline Ng'elechi, MP
Elgeyo-Marakwet County

Hon. Liza Chepkorir Chelule, MP
Nakuru County

Hon. Fatuma Jehow, MP
Wajir County

Hon. Sarah Paulata Korere, MP
Laikipia North Constituency

Hon. Francis Sigei, EBS, MP
Sotik Constituency

Hon. Oku Kaunya, MP
Teso North Constituency

Hon. Hussein Weytan, MP
Mandera East Constituency,

Hon. Mburu Kahangara, MP
Lari Constituency

1.4. Committee Secretariat

4. The Committee Secretariat consists of the following:

Mr. John Mugoma
Head of Secretariat

Ms. Grace Wahu
Clerk Assistant II

Mr. Edison Odhiambo
Fiscal Analyst I

Ms. Delvin Onyancha
Research Officer III

Ms. Judith Kanyoko
Legal Counsel II

Mr. Rodgers Kilungya
Audio Officer

Mr. Gideon Kipkogei
Clerk Assistant II

Ms. Clarah Kimeli
Principal Legal Counsel II

Mr. Benson Kimanzi
Serjeant at Arms

Ms. Ivy Maritim
Media Relations Officer III

PART II

2.0 THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024

2.1 Analysis of the Bill

5. The following is the analysis of the Bill—
 - a. **Clause 1** of the Bill provides for the short title.
 - b. **Clause 2** of the Bill provides for the definition of new terms as follows;
 - i. “psychosocial support” means the attention given to a person relating to the interrelation of social factors and individual thought and behaviour based on their mental state
 - ii. “wellness” means practising healthy habits regularly to attain better physical and mental health outcomes;
 - c. **Clause 3** of the Bill provides for the amendment of section 10 of the principal Act to include the establishment of psychosocial units and formulation of programs to promote the mental health and well-being of police officers as one of the functions of the National Police Service Commission.
 - d. **Clause 4** of the Bill provides for the addition of a new section 12A to provide for Police Officers’ mental health and wellbeing. It provides that Pursuant to section 12, the Commission, in consultation with the Inspector General, shall—
 - i. provide police officers with mental health and wellness resources; and
 - ii. in every county, establish well-equipped centres in offices, camps, training colleges and communities for police officers to receive psychosocial support.

2.2 The Existing Legal Framework

6. **Article 43** of the Constitution recognizes the right to the highest attainable standard of health as one of the economic and social rights. Currently, there is no Act of Parliament that specifically caters for the mental health of police officers. The **Mental Health Act** (Cap 248), however, generally addresses mental health. The purpose of the Act is to *inter alia* promote the mental health and well-being of all persons, including reducing the incidences of mental illness and to co-ordinate the prevention of mental illness, access to mental health care, treatment and rehabilitation services of persons with mental illness. It is instructive to note that the Mental Health Act, under section 17 provides for the admission and discharge of members of the Kenya Defence Forces into mental health units for observation and treatment.
7. The recommendations of the **Mental Health Task Force Report, 2020** which recommended the development and implementation of mental health literacy curriculum for the national police service, prison service and defence forces by the Cabinet Secretary for Interior. This was aimed at improving mental well-being among the security forces.
8. As it relates to security officers and mental health (Section 4.8 of the Report) the Taskforce found that—

“An officer’s mental state affects his or her behaviour. It can influence decision-making and judgment. The daily realities of the job can also affect the officers’ health and wellness. They face a constant need to be vigilant, long hours and shift work, exposure to the daily tragedies

of life and regular interaction with people who are in crisis or hostile toward them. Disciplined officers experience mental health challenges in a number of ways, including:

Security personnel usually offer the first response in emergencies and often experience catastrophic scenes such as injuries and mangled bodies at accident scenes. Sometimes they get involved in shootouts where people die of bullet wounds. Each day in their workday, they stare death in the face. In spite of this, they lack systematic access to treatment and counselling because their training emphasises physicality with little to no emotional preparation for the unsettling circumstances they face on the job. As a result, they suffer significant rates of depression and Post-Traumatic Stress Disorder (PTSD). Traumatic law enforcement work has been shown to increase officers' risk of developing Post-Traumatic Stress Disorder (PTSD) symptoms. PTSD is associated with major depression, panic attacks, phobias, mania, substance abuse, and increased risk of suicide.

9. The Taskforce therefore recommended that—
 - (i) The different security service institutions must provide psychological services for both managers and staff at disciplined institutions;
 - (ii) The institutions should establish regular staff support sessions on mental health in workplaces for the officers; and
 - (iii) The government, through the Ministry of Health, should mainstream mental health in all sectors, including the disciplined forces.

2.3 Comparative Legislation

10. In the **United States**, there is the Law Enforcement Mental Health and Wellness Act of 2017, which is a federal law. The Act contains provisions on support for law enforcement agencies including interagency collaboration, case studies of programs designed primarily to address officer psychological health and well-being and peer mentoring pilot programs. Specifically, Section 4 of the Act provides for support for officers and mandates the Attorney General in consultation with Federal, State, local, and tribal law enforcement agencies to *inter alia*—
 - (i) in consultation with the Secretary of Homeland Security and the head of other Federal agencies that employ law enforcement officers, examine the mental health and wellness needs of Federal law enforcement officers, including the efficacy of expanding peer mentoring programs for law enforcement officers at each Federal agency; and
 - (ii) ensure that any recommendations, resources, or programs provided under this Act protect the privacy of participating law enforcement officers;
11. In **Canada**, five provinces in Canada have implemented legislation that presumes that PTSD in police and other first responders is work-related and entitles those diagnosed with PTSD to workplace insurance benefits. These are Alberta, Manitoba, New Brunswick, Ontario and Saskatchewan. Ontario's legislation also requires police and other first responder organisations to develop PTSD prevention plans that focus on prevention, intervention, and return to work. Organisations are encouraged to develop anti-stigma policies and procedures, implement screening protocols and PTSD self-assessments, provide crisis response supports,

enhance access to mental health supports, and ensure appropriate accommodation for first responders returning to work after PTSD or another mental illness.¹

12. In **Namibia**, section 42(1) (b) of the Namibian Police Act, 1990 empowers the Minister to make regulations on the standards of physical and mental fitness and the medical examination of members and their families;

¹ An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to post traumatic stress disorder.

PART III

3.0 CONSIDERATION OF THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL, 2024 BY THE COMMITTEE

3.1 Public Participation

13. Article 118 (1) (b) of the Constitution of Kenya provides as follows—

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.”

14. Standing Order 127(3) provides that—

“The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

- (a) inviting submission of memoranda;*
- (b) holding public hearings;*
- (c) consulting relevant stakeholders in a sector; and*
- (d) consulting experts on technical subjects.*

15. Standing Order 127(3A) further provides that—

“The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.”

16. Pursuant to the aforementioned provisions of the Constitution and Standing Orders, the Committee through local daily newspapers of 12th June, 2024 published an advertisement inviting the public to submit memoranda on the Bill. The advertisement is annexed to this report as **Annexure 3**.

17. Further, vide a letter dated 12th August, 2024, the Committee invited stakeholders, to make submissions on the Bill. The meeting was held on 21st August, 2024 in Committee Room 18/19, 3rd floor, Bunge Tower, Parliament Buildings. Stakeholder submissions are annexed as **Annexure 4**.

3.2 Submissions on the Bill

18. The Committee received submissions through written memoranda and oral presentations from the following:

- (a) Hon. Peter Francis Masara, MP
- (b) Principal Secretary, State Department for Internal Security and National Administration, Ministry of Interior and National Administration;
- (c) The National Police Service (NPS);
- (d) The National Police Service Commission (NPSC);
- (e) The Independent Policing Oversight Authority (IPOA); and
- (f) National Association of Retired Police Officers of Kenya (NARPOK)

- (g) Kenya National Commission on Human Rights (KNCHR)
- (h) The Law Society of Kenya

3.2.1 Submission by Hon. Peter Francis Masara, MP

19. The Sponsor of the Bill, Hon. Peter Francis Masara, MP appeared before the Committee on 21st August, 2024. He submitted that the primary objective of the Bill is to make provisions for the mental wellness and well-being of police officers, including but not limited to the establishment of psychological support centres for police officers.

3.2.2 Submission by State Department for Internal Security and National Administration, Ministry of Interior and National Administration

20. The State Department was represented by the Secretary, Internal Security, Mr. Jacob Narengo MBS, who appeared before the Committee on 21st August, 2024. The Committee was informed that the National Police Service Commission is a constitutional Commission established under Article 246(1) of the Constitution. It took over, among other functions, the human resource management functions of the National Police Service that were previously being handled by the Public Service Commission.
21. Further, under Section 10(1)(a) of the National Police Service Commission Act, the Commission is empowered to develop and keep under review all matters relating to human resource policies for members of the National Police Service. Under Section 10(1)(c) of the Act, the Commission is also empowered to provide for the terms and conditions of employment for members of the Service.
22. The State Department supported the proposed amendments noting that they are essentially about the welfare of members of the Service, the improvement of which is within the mandate of the Commission and therefore, have a sound constitutional and statutory basis.
23. On the importance of the Bill, it is the State Department's position that the Bill is important for the following reasons:-
 - (a) Under Article 43(1) of the Constitution, every person has a right to the highest attainable standard of health which includes the right to healthcare services. The provision of mental health facilities to police officers is a constitutional imperative that the Government should protect; promote and fulfil;
 - (b) The realization of this right has been hampered by lack of an effective legislative framework. The Bill seeks to fill the gap;
 - (c) The stress and trauma experiences that police officers undergo while maintaining law and order often leave them with psychosocial and emotional scars that require healing. The Bill recognizes this and aims at providing the necessary support; and
 - (d) Cases of police officers being perpetrators of crime attributed to mental disorders have been reported in the press. This includes domestic violence, suicide and murder, therefore, providing mental health facilities to them will reduce such incidences.

24. In conclusion, it was submitted that the State Department for Internal Security and National Administration recognises the importance of providing police officers with mental health facilities and therefore supports the Bill.

3.2.3 The National Police Service (NPS)

25. The National Police Service was represented by the Acting Inspector General, Mr. Gilbert Masengeli, MBS, OGW, SS, who appeared before the Committee on 21st August, 2024. The National Police Service submitted that the nature of police work is such that most of the police officers join the service at a young age and get posted to far-flung areas away from home. They get detached from their homes, separated from their families and removed from their communities for a long time. Often, they retire to a solitary life back in their home areas with few or no friends. Their quality of life is compounded by loss of privileges, including medical care and minimal personal investment due to mobility of their working life. The Committee was informed that police work is often a source of severe trauma and stress and there have been many incidents of police officers committing suicide or using violence against others because of trauma and stress.

26. It was submitted that the National Police Service Commission has carried out several intervention measures, including the posting of trained counsellors at police regional headquarters, formations and units. A total of sixteen (16) counsellors and eleven (11) social workers are currently in deployment and are assisting officers in need. However, the number of counsellors posted is still inadequate. Currently, all National Police Service Officers are fully covered for psychosocial support services.

27. It was noted that the National Taskforce on Police Reforms, chaired by Justice Maraga, taking cognizant of the aforementioned facts, in their report recommended that mental health should be comprehensively covered by the medical insurance scheme and there should be full implementation of the NPSC Counselling Policy including the appointment of a wellness champion in every sub-county.

28. It was submitted by the National Police Service's that the proposals to amend the National Police Service Commission Act to provide for matters concerning mental health and well-being of police officers is in line with the National Taskforce on Police Reforms Taskforce Report.

Proposed amendments by the National Police Service

29. The National Police Service proposed an amendment of Section 10(1)(b) to read:

“determine the appropriate remunerations and benefits for the Service and staff of the Commission”

30. The rationale is that the Commission, being an independent institution and the employer of the members of the Service, has a legal duty to determine matters of their welfare and remuneration. Other institutions may only be involved as required in accordance with the provisions under Section 10(1)(d).

31. On a proposal of the National Police Service Commission to delete “consultation with Inspector General” from the Bill, with regards to providing police officers with mental health and wellness resources” the National Police Service submitted that the consultation with the Inspector General of Police was important to avoid the mischief of the Commission pushing up agendas that the Inspector General is not privy to.
32. The National Police Service supports the Bill with their proposed amendments.

Committee Observation

33. The Committee noted that the Salaries and Remuneration Commission established under Article 230(4)(b) of the Constitution has the mandate to advise the national and county governments on the remuneration and benefits of all other public officers. The Members of the Service and staff of the National Police Service Commission are public officers.

3.2.4 The National Police Service Commission (NPSC)

34. The Chief Executive Officer of the NPSC, Mr. Peter Leley, appeared before the Committee on 21st August, 2024 and informed the Committee that police officers in Kenya often face exhausting and dangerous work conditions, regularly encountering highly distressing situations that expose them to trauma daily. This exposure combined with the demands of family life and social expectations, can lead to debilitating stress, job burnout, anxiety, post trauma stress disorder (PTSD), depression and suicidal ideations.
35. In order to navigate these psychological challenges, the Chief Executive Officer informed the Committee that it is essential that police officers have access to counselling and psychosocial support services, which are vital for maintaining their well-being and enabling them to function optimally both professionally and personally.
36. In regard to the achievements of the Commission in counselling and psychosocial support, the Committee was informed that the Commission has made significant strides in enhancing the mental health and well-being of police officers through initiatives focused on counselling and psychosocial support. These accomplishments include:-

(a) Launching of the Counselling Policy:

37. In 2018, the Commission launched the National Police Service Psychological Counselling Policy to address the growing psychological needs of police officers due to challenging work conditions. The policy recognises the impact of long-term trauma exposure on officers and their families, emphasising the need for accessible counselling services.

(b) Staffing:

38. In 2021, the Commission hired sixteen (16) counsellors and eleven (11) social workers, raising the total number of the Counselling Unit staff to twenty-seven (27). These staff members were deployed across various regions and formations within the National Police Service (NPS) as part of the decentralisation of Human Capital Management (HCM) services. In 2023, the team was further expanded with the addition of eleven (11) more counsellors, bringing the total number of counselling staff to thirty-eight (38).

build a resilient workforce through targeted training and develop evidence-based practices. Decentralising these centres across regions will improve accessibility and provide comprehensive support leading to better overall well-being and performance among officers and staff.

Committee Observation

47. The Committee observed that the proposed amendment unreasonably or unduly expands the subject of the Bill contrary to Standing Order 133(5) of the National Assembly Standing Orders.

3.2.5 The Independent Policing Oversight Authority (IPOA)

48. The Authority was represented by Ms. Doreen Muthaura, a Commissioner who appeared before the Committee on 21st August, 2024. She submitted that in 2021, IPOA undertook a comprehensive research study titled "*Murders and Suicides in the National Police Service: An Analysis on Causes and Prevention Strategies.*" This study provided a detailed examination of the mental health challenges faced by police officers, identifying key factors contributing to the alarming rates of suicide and murder within the service. The findings of this study highlighted several critical issues, including:

- (a) Psychological stress, which usually leads to poor mental health;
- (b) Easy access to firearms;
- (c) Nature of Police Recruitment and Training;
- (d) Discrimination and unfair treatment by Supervisors;
- (e) Involvement in misconducts and criminal activities by Police Officers; and
- (f) Police officers' culture towards psychological illnesses.

49. The study recommended the following as prevention strategies:

- (a) Administer psychological tests to determine the state of officer's mental health during the recruitment process as some officers may have had psychological illnesses before joining the Police Service;
- (b) Regularly review the Police Training Curriculum to focus on modern day Policing environment and challenges, with the training having a mix of both hard and soft skills such as interpersonal skills, communication, public relations and relationships;
- (c) Fast-track the implementation of the NPS Psychological Counselling Policy (2018) to provide psychologists and psychological counsellors to Police officers at the Police Station level and any other officers in the Service;
- (d) Enhance staff capacity to afford officers manageable work shifts for officers to work for eight hours and accord them time to rest before resuming their next shift;
- (e) Have a firm and apt strategy for dealing with officers involved in crime, indiscipline and misconduct to send a clear message that the Service is committed to dealing with indiscipline and not just transfers of such cases;
- (f) Facilitate Officers to undergo training on trauma resilience to prepare officers psychologically when faced with traumatic or anxious situations while in the line of duty;
- (g) Facilitate Mental Health Sensitization forums in the Service in partnership with the Ministry of Health and other non-state players in the health sector to make the officers aware of mental health issues;

a component of mental health and wellness resources. This is considering that the National Police Service Commission was already providing counselling services to police officers.

Section 3

Proposed Amendment: “Establish counselling and psychosocial support unit to oversee and formulate programs to promote the mental health and well-being of members of the service”.

Justification: This will enhance the provision of mental health services by establishing a “Counselling and Psychosocial Support Unit” to oversee and develop programs promoting the well-being of all members of the service, including civilian staff. This amendment is justified as it will improve the administration, coordination and implementation of mental health programs. Broadening the scope to include civilian staff within the service by replacing ‘police officer’ with ‘members of the service’ ensuring both uniformed and civilian members of the service are catered for.

Committee Observation

45. The Committee observed that a single unit established by the Commission dedicated to the mental well-being of the police officers would provide better coordination. There is also need to ensure that the services offered by the counselling and psychosocial support unit are reasonably accessible in all parts of Kenya so far as possible, as required by Article 6(3) of the Constitution. The Inclusion of the members of the service would also cater for civilian members of the service who are crucial to the work of the police.

Section 4

Proposed Amendment: Delete “in consultation with the Inspector General”.

Justification: Article 246(2)(b) of the Constitution outlines the composition of the National Police Service Commission to include the Inspector-General. Given that the Inspector-General is a member of the Commission, decisions made by the Commission are inherently considered to be inclusive of the Inspector-General’s input and perspective. The term “in consultation with the Inspector General” is redundant, as the Inspector General is a substantive member of the Commission.

Committee Observation

46. The Committee observed that while it is true the Inspector General is a member of the National Police Service Commission; the Inspector General of Police exercises independent command over the National Police Service pursuant to Article 245 (2) (b). It is therefore critical that the Inspector General is consulted in matters regarding the establishment of psychosocial centers.

Section 4

Proposed Amendment: Introduce paragraph 12 (A)(b)

“Establish integrated wellness centres for the provision of referral, training and research on psychosocial issues affecting members of the service”.

Justification: Establishing integrated wellness centres as referral hubs will enhance mental health care for service members by providing specialized treatment, ongoing training and conducting research on psychological issues. These centres will ensure timely access to care,

build a resilient workforce through targeted training and develop evidence-based practices. Decentralising these centres across regions will improve accessibility and provide comprehensive support leading to better overall well-being and performance among officers and staff.

Committee Observation

47. The Committee observed that the proposed amendment unreasonably or unduly expands the subject of the Bill contrary to Standing Order 133(5) of the National Assembly Standing Orders.

3.2.5 The Independent Policing Oversight Authority (IPOA)

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- (a) Psychological stress, which usually leads to poor mental health;
- (b) Easy access to firearms;
- (c) Nature of Police Recruitment and Training;
- (d) Discrimination and unfair treatment by Supervisors;
- (e) Involvement in misconducts and criminal activities by Police Officers; and
- (f) Police officers' culture towards psychological illnesses.

49. The study recommended the following as prevention strategies:

- (a) Administer psychological tests to determine the state of officer's mental health during the recruitment process as some officers may have had psychological illnesses before joining the Police Service;
- (b) Regularly review the Police Training Curriculum to focus on modern day Policing environment and challenges, with the training having a mix of both hard and soft skills such as interpersonal skills, communication, public relations and relationships;
- (c) Fast-track the implementation of the NPS Psychological Counselling Policy (2018) to provide psychologists and psychological counsellors to Police officers at the Police Station level and any other officers in the Service;
- (d) Enhance staff capacity to afford officers manageable work shifts for officers to work for eight hours and accord them time to rest before resuming their next shift;
- (e) Have a firm and apt strategy for dealing with officers involved in crime, indiscipline and misconduct to send a clear message that the Service is committed to dealing with indiscipline and not just transfers of such cases;
- (f) Facilitate Officers to undergo training on trauma resilience to prepare officers psychologically when faced with traumatic or anxious situations while in the line of duty;
- (g) Facilitate Mental Health Sensitization forums in the Service in partnership with the Ministry of Health and other non-state players in the health sector to make the officers aware of mental health issues;

- (h) Improve and modernise the welfare of Police officers including improved remuneration, applicable allowances, modern equipment and facilities, conducive work environment as well as impartial treatment of officers by their seniors;
- (i) Appoint and train peer support counsellors from within the Service to support their peers in case they have stress or trauma issues especially where opening up to other quarters seems difficult;
- (j) Extend the Police Medical Insurance to cover mental related illnesses and conditions including rehabilitation of serving officers and Police officers' dependants to ease medical costs burdens to the officers;
- (k) The Internal Affairs Unit of the NPS to implement its mandate as per section 87 of the National Police Service Act and in accordance with Article 247 of the constitution, including coming up with the best practices and standards in the Service and dealing with cases of indiscipline;
- (l) Ensure controlled issue of firearms to officers suspected of mental illness or psychological disorders with Police commanders applying informed judgment when issuing firearms to officers who are suspected to be suffering from a mental disorder; and
- (m) Communication and feedback from supervisors to junior officers and vice versa needs to be enriched for effective and efficient policing, improved coordination, relationships and accountability, and especially at the station levels where people centred service delivery is anchored.

50. Regarding the Bill, the Authority submitted that the Bill seeks to introduce provisions for the mental wellness and well-being of police officers, including the establishment of psychosocial support centres. The establishment of psychosocial support centers as proposed in the Bill will provide police officers with access to professional mental health services, which are crucial for managing stress, preventing burnout and reducing the rates of suicide and violence within the service. Furthermore, this initiative will help to destigmatize mental health issues among officers, encouraging them to seek help and fostering a more supportive and healthy work environment.

51. The Authority strongly supports this legislative initiative as a necessary and timely intervention to address the mental health challenges within the National Police Service. The proposed amendments in the Bill are in tandem with the recommendations of the Authority in the aforementioned report on murders and suicides.

52. In addition, the Authority noted that there is a grave need for the National Police Service (NPS) and the National Police Service Commission (NPSC) to take administrative measures to address the causes of mental health problems in the Service. In its report on Murders and Suicide, the Authority made several recommendations as set out above that would ameliorate the current mental health situation in the Service. The Authority noted that most of those recommendations only require administrative action by both the NPS and the NPSC. For instance, ensuring manageable work shifts for officers to work for eight hours and accord them time to rest before resuming their next shift, facilitating officers to undergo training on trauma resilience to prepare officers psychologically when faced with traumatic or anxious situations while in the line of duty, ensuring controlled issue of firearms to officers suspected of mental illness and improving communication and feedback between supervisors and junior

officers, amongst others. Therefore, in addition to the current proposed legislative changes to the NPSC Act, the NPS and NPSC should implement recommendations by the Authority contained in the report on Murders and Suicide in the Service.

53. On the highlights of the Bill, the Authority submitted that it contains many positive proposals that if adopted will ensure prioritisation of the mental wellness of police officers which will not only enhance their overall wellbeing but also improve the effectiveness and professionalism of the National Police Service. Some of the key positive proposals are as follows;
- (a) Firstly, the proposed amendments to the Bill to formally introduce the concept of psychosocial support into the legal framework governing the welfare and operations of police officers. This move is part of a broader effort to prioritise the mental wellness and overall well-being of officers, ensuring that they are adequately supported in their challenging roles. The proposal by the draft bill is therefore timely and is in tandem with the Authority's recommendation for psychosocial support.
 - (b) Secondly, the proposal to introduce the term wellness which has been defined as the practice of healthy habits regularly to attain better physical and mental health outcomes, reflects a holistic approach to the well-being of police officers, acknowledging the importance of both physical and mental health in their daily lives and professional duties.
 - (c) Thirdly, the proposal to have the amendment to Section 10(1) of the National Police Service Commission Act with the introduction of a new provision that reads "*establish psychosocial units and formulate programs to promote the mental health and wellbeing of police officers*" goes ahead to enhance the wellbeing of police officers, improving their performance, and ultimately contributing to a more effective and resilient police force.
 - (d) Fourthly, the proposal to have the insertion of a new section 12(A) is a comprehensive approach to supporting the mental health and wellness of police officers, legally mandating the provision of resources and the establishment of psychosocial support centers. This amendment will enhance the overall effectiveness, resilience, and sustainability of the National Police Service, while fostering a culture of wellness that benefits both officers and the communities they serve.

Proposed amendments by the Independent Policing Oversight Authority

54. To further build on the proposals made in the draft Bill that seek to make provision for the mental wellness and wellbeing of police officers, IPOA made an additional proposal on insertion of a new provision under Section 10(1)(q) of the National Police Service Act as follows:
- "Administer psychological tests to determine the state of officer's mental health during the recruitment process for members of the Service."*
55. This proposed amendment will ensure that the recruitment process for members of the service includes a comprehensive evaluation of mental health which not only protects the well-being of the members of the service but also enhances the safety and security of the Kenyan public.

Committee observation

56. The requirements of recruitment of members of the service is a procedural requirement more comprehensively covered under the National Police Service Commission (Recruitment and Appointment) Regulations and Chapter Sixty of the National Police Service Standing Orders. Regulation 9 and Standing Order 5(e) require all candidates to be physically and medically fit. Additionally, Regulation 10(3)(d), the second phase of the recruitment process involves physical, aptitude and medical assessments.

Section 2

Proposed Amendment: The proposal is to add two new definitions as follows:

- i. *“Psychosocial support” means the attention given to a person relating to the interrelation of social factors and individual thought and behaviour based on their mental state; and*
- ii. *“Wellness” means practising healthy habits regularly to attain better physical and mental health outcomes.*

Justification: The proposal to have the two new definitions is a commendable and forward-thinking initiative as it recognises a holistic approach to well-being. The same is also in tandem with the provisions of Article 43(1)(a) of the Constitution of Kenya, 2010 and Section 2B(a) of the Mental Health Act, Cap 248 Laws of Kenya.

Section 10

Proposed Amendment: The Bill seeks to add a new subsection, immediately after Section 10(1)(q) to provide; (qa) establish psychosocial units and formulate programs to promote the mental health and well-being of police officers.

The Authority proposed that the proposal be retained with amendments to include consultation with the Inspector General and Kenya Board of Mental Health; The provision to read;

(qa) in consultation with the Inspector General and the Kenya Board of Mental Health establish psychosocial units and formulate programs to promote the mental health and well-being of police officers.

Justification: The proposed amendment will;

- (i) Help deal with occupational stress and mental health challenges;
- (ii) Aid in improved service delivery and public safety;
- (iii) Reduction of stigma and encouragement of help seeking behavior; and
- (iv) The proposed amendment is also in tandem with the objectives of the Bill as well as the provisions of Article 43(1)(a) of the Constitution of Kenya, 2010 and Section 2B(a) and 3A (1) of the Mental Health Act, Cap 248 Laws of Kenya. It is also in line with IPOA’s recommendations in its report on Murders and Suicide in the NPS.

57. Further, there is a need for consultation between the NPSC and the Inspector General in establishing the units and formulating mental health programs for members of the service.

The proposed section 12 A in the Bill already envisages the need for consultation between the NPSC the IG and this should be reflected even in the proposed section 10 (1) (q).

58. In addition, the Mental Health Act, Cap 248, in section 4 establishes the Kenya Board of Mental Health. The Board is mandated under section 5 of the Act to *inter alia* advise the National government and county governments on the most appropriate strategies and programmes for the care of persons with mental illness and the effective delivery of mental health care services at the national and county levels of government. The Board is also mandated to set standards for the establishment of mental health units. Consequently, consultation with the Board will be important in ensuring proper standards are maintained in the provision of mental health and wellness to police officers.

Committee Observation

59. The Committee noted that having proposed to amend the proposed subsection 10(1) (qa) to establish a single unit within the Commission, the Commission would be at liberty to cooperate or consult any state agencies, departments or commissions on the functions relating to psychosocial support.

Section 12(A)

Proposed Amendments: The Bill proposes insertion of a new section, 12(A) to provide:

12(A) Pursuant to section 12, the Commission, in consultation with the Inspector General, shall –

- (a) Provide police officers with mental health and wellness resources; and*
- (b) In every county, establish well equipped centres in offices, camps, training colleges and communities for police officers to receive psychosocial support.*

60. The Authority proposed that the clause be retained with amendment to include consultation with the Kenya Board of Mental Health. The provision to read;

12(A) Pursuant to section 12, the Commission, in consultation with the Inspector General and the Kenya Board of Mental health shall –

- (a) Provide police officers with mental health and wellness resources; and*
- (b) In every county, establish well equipped centres in offices, camps, training colleges and communities for police officers to receive psychosocial support.*

Justification: The proposed amendment seeks to obligate the Commission to ensure creation of psychosocial and wellness infrastructure in order for members of the service to receive psychosocial support. The proposed amendment is in tandem with the objectives of the Bill as well as the provisions of Article 6(3), Article 28, Article 43(1)(a) of the Constitution of Kenya, 2010 and Section 2B(a) and 3A (1) of the Mental Health Act, Cap 248 Laws of Kenya. It is also in line with IPOA's recommendations in its report on Murders and Suicide in the NPS.

61. The Mental Health Act, Cap 248, in section 4, establishes the Kenya Board of Mental Health. The Board is mandated under section 5 of the Act to *inter alia* advise the National government and county governments on the most appropriate strategies and programmes for the care of

persons with mental illness and the effective delivery of mental health care services at the national and county levels of government. The Board is also mandated to set standards for the establishment of mental health units. Consequently, consultation with the Board will be important in ensuring proper standards are maintained in the provision of mental health and wellness to police officers.

Committee Observation

62. The Committee noted that Section 10(1)(d) of the National Police Service Commission Act already empowers the Commission to co-operate with other State agencies, departments or commissions on any matter that the Commission considers necessary. The Commission may therefore consult the Kenya Board of Mental health when necessary.

3.2.6 National Association of Retired Police Officers of Kenya (NARPOK)

63. The Assistant Secretary General, Mr. Shariff Abdallah, OGW appeared before the Committee on 21st August, 2024 and submitted that members of NARPOK fully understand the strenuous conditions under which police work and risks involved.
64. In regards to the importance of psychosocial and wellness of the officers, NARPOK supports the amendments of Section 2 by insertion of psychosocial support and wellness of the officers and recommended the following:
- (a) The National Police Service Commission and the National Police Service should prioritise work-life balance and financial wellness for serving officers to mitigate the effects of stress, long working hours and financial strain;
 - (b) Service Commanders play proactive roles in facilitating access to psychosocial supports and wellness services at recognized institutions ensuring officers in active service receive the necessary supports and services;
 - (c) Come out clear in the National Police Service Standing Orders with guidelines on psychosocial support and wellness practices during and beyond police careers, providing officers with a structured framework for accessing mental health, financial wellness and other support services; and
 - (d) Definition of “wellness” to include health and financial wellness.
65. In regards to the proposed amendments to Section 10, NARPOK acknowledged and supported provisions of Section 10 of the Bill and recommended the proposed amendments thereof. However, discipline, transfers and promotions of officers are areas of concern.
66. In regards to the proposed amendments to Section 12 of the Bill, NARPOK acknowledged and supports the proposed amendment which empowers the Commission to ensure and enhance standard of quality service delivery, professionalism and good public relations amongst the services and the public.
67. NARPOK fully supported the amendments, proposed amendments and the recommendations according to the amendment Bill and proposed recommendations from the organization. NARPOK would therefore recommend that NPSC in collaboration with NPS to mitigate for

psychosocial support and physical well being of officers not only during their active service but also in their retirements.

Committee Observation

68. The Committee observed that the mandate of the Commission only covers active members of the service and does not extend to retired officers. Nevertheless, retired officers are represented in the Commission under the provisions of Article 246(2)(a)(ii).

3.2.7. Kenya National Commission on Human Rights (KNCHR)

69. The Commission submitted that it appreciates and supports the introduction of the bill proposing the inclusion of clauses on mental health support for police officers. The Commission noted that the Bill represents a commendable step towards addressing a critical, yet often overlooked, aspect of law enforcement — the mental health and psychosocial well-being of officers. It noted that police officers face significant stressors in their daily duties, including exposure to traumatic events, high-pressure situations, and challenging work environments. These factors can take a considerable toll on their mental health, potentially impacting their overall effectiveness, well-being, and the quality of their interactions with the community.
70. KNCHR submitted that it recognised that the integration of mental health support into police services is crucial not only for the officers' health but also for enhancing public trust and ensuring effective law enforcement. The inclusion of such support mechanisms will help improve officers' well-being by preventing the development of more severe psychological conditions and provide officers with the tools they need to manage stress and trauma effectively; enhance job performance which in turn positively impacts the quality of policing and; Strengthen community relations.

Proposed Amendments by Kenya National Commission on Human Rights

Section 2

Proposed Amendment: Amend the definition of ‘**Psychosocial Support**’ to read ‘psychosocial support’ refers to any type of intervention(s) that aims to protect or promote mental well-being, prevent or treat mental health conditions.’

Justification: The proposed definition under the Act is too technical and general. The proposed definition aligns with the internationally accepted definition adopted by the United Nations.

Committee Observation

71. The United Nations Inter-Agency Standing Committee defines psychosocial support as any type of local or outside support that aims to protect or promote psychosocial well-being and/or prevent or treat mental. The definition proposed by the Commission is clearer and less technical.

Section 4

Proposed Amendment: Amend Clause 12(A)(a) to read “Shall ensure the integration of Psychosocial and mental wellness resource into the overall health services scheme for police officers.

Justification: As currently drafted, the ‘**provision of mental wellness resources**’ is quite vague and can be interpreted in various ways. The Act needs to be very specific on the resources being offered to the officers under the Act to ensure that mental health support promotes a holistic approach to their well-being.

Proposed Amendment: Amend Clause 12(A) by inserting Clause 12(A)(c) to read “Develop Training and Awareness programs for officers and their supervisors on recognizing signs of mental distress and understanding the available support resources.

Justification: There is need for structured awareness programs on mental health for police officers.

Committee Observation

72. The Committee noted that it had already proposed to amend clause 12A to specifically include counselling as an element of mental health and wellness. The inclusion of this provision would therefore ensure that police officers have access to a wide range of mental health resources.

The Law Society of Kenya (LSK)

73. The Law Society of Kenya submitted that the Bill aligns with Article 43 of the Constitution which guarantees the right to the highest attainable standard of health, including mental health. They noted that police officers’ mental wellness is crucial taking, into consideration the sensitive nature of the work the police perform in promoting public safety. They noted the positive impact of the National Police Wellbeing Service in the United Kingdom and acknowledged that the Bill is a timely intervention for the police.

Proposed Amendments by the Law Society of Kenya

Section 3

The Law Society of Kenya did not oppose the amendment but proposed that the word “psychosocial units” be defined.

Justification; The word has been introduced and used without a definition and that it is necessary to define the word to eliminate any potential ambiguity.

Committee Observation

74. The Committee noted that the term “unit” when used in police services often means a group of police officers tasked with a specific role within the service. Having proposed that the proposed paragraph 10(1) (qa) be amended to establish a single unit the Commission will inform itself in such manner as it thinks fit on the working of the unit. Further, Pursuant to section 10 (1) (h) the function of organising the Service at national level into various formations, units or components belong to the Inspector General of Police.

PART IV

4.0 COMMITTEE OBSERVATIONS


Upon consideration of the Bill, the Committee observed the following:

- (a) The Bill seeks to give effect to part of the recommendations of the reports of various taskforces and studies that have to look into police reforms. These include the Mental Health Task Force Report, 2020, the *"Murders and Suicides in the National Police Service: An Analysis on Causes and Prevention Strategies"* by the Independent Policing Oversight Authority and the Report of the National Taskforce on Police Reforms
- (b) Pursuant to the mandate of the Committee and the requirements of Article 118 of the Constitution and Standing Order 127(3), the Committee is at liberty to propose necessary amendments to the Bill in its report to the House.
- (c) The Committee received eight memoranda during public participation. All memoranda supported the enactment of the Bill, out of which six proposed amendments to the Bill, as contained in part III of this report.

PART V

5.0 COMMITTEE RECOMMENDATIONS

The Committee, having considered the National Police Service Commission (Amendment) Bill (National Assembly Bills No. 23 of 2024) recommends that the House approves the Bill with the amendments contained in the SCHEDULE OF AMENDMENTS forming PART SIX of this report.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 09 OCT 2024	
DAY.	
TABLED BY:	
CLERK-AT THE-TABLE:	

PART VI

6.0 SCHEDULE OF PROPOSED AMENDMENTS

In view of the observations made, the Committee proposed the following amendments to the Bill—

CLAUSE 2

THAT Clause 2 of the Bill is amended—

- (a) by deleting the definition of “psychosocial support” and substituting therefor the following new definition—

“psychosocial support” means a type of intervention that aims to protect or promote mental well-being, prevent or treat mental health conditions.

- (b) by inserting the following new definition—

“counselling” means a process where a person with difficulties is assisted to think through the problems and find a possible solution.

Justification

The proposed definition of the term psychosocial support aligns with the United Nations Inter-Agency Standing Committee. It is clearer and less technical. Further, counselling is a critical aspect of mental health and wellness management and it is important that it is specifically defined in law.

CLAUSE 3

THAT Clause 3 of the Bill is amended by deleting the proposed new paragraph (qa) and substituting therefor the following paragraph—

- (qa) establish a counselling and psychosocial support unit to oversee and formulate programs to promote the mental health and wellbeing of members of the service.

Provided that the Commission shall ensure that the unit is devolved to each county police headquarters.

Justification

A single unit established by the Commission dedicated to the mental well-being of the police officers would provide better coordination. There is also need to ensure that the services offered by the psychosocial unit are reasonably accessible in all parts of Kenya so far as its possible, as required by Article 6(3) of the Constitution. The Inclusion of the members of the service would also cater for civilian members of the service who are crucial to the work of the police.

CLAUSE 4

THAT Clause 4 of the Bill is amended in the proposed new section 12A by inserting the words “including counselling” immediately after the words “wellness resources” appearing in paragraph (a).

Justification

There is need to specifically include counselling as a component of mental health and wellness resources, considering that the National Police service Commission already provides counselling services members of the service.

SIGN.....*[Signature]*..... DATE.....*09/10/2024*.....

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



