County Policing Authorities From a Human Rights Perspective

European Instrument for Democracy & Human Rights (EIDHR) and Non-State Actors & Local Authorities (NSA-LA) Thematic Programmes for Kenya
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The County Policing Authority (CPA) is a body established by the National Police Service Act to manage the security affairs and community policing within the counties in Kenya. This is one of the ways in which the security actors envisage to promote a Human Rights Based Approach in handling security issues within the county through a process that embraces inclusion and public participation in addressing security concerns.

The Constitution promotes democracy and accountability in the exercise of power and further enhances the participation of the people in making decisions affecting them including peace and security.
How does the County Policing Authority Promote Human Rights?

The County Policing Authority by its nature is a community policing structure that allows the police and the community to work together in new ways to solve problems of crime, disorder and safety issues to improve the quality of life for everyone in that community.

The County Policing Authority promotes Human Rights in the following ways;
The Authority seeks to involve various stakeholders from the security agencies, members of the county assembly and community members to address the security issues that are specific to the county.

The Authority handles security related issues and provides local solutions to the local problems.

Provides a platform for the public to meaningfully engage and participate in matters of security in the county through information sharing.

The inclusion of members of the public within the membership of the Authority ensures that there is a consensus between the security needs of the public and the action undertaken by security agents to address these needs.

Any person can apply to be a member of the authority once the county public service board places an advertisement.

The members of the public who are finally appointed into the Authority have a platform to represent the views of the public on security issues facing the counties.
ACCOUNTABILITY

> The Authority seeks to bring services of various security agencies of government closer to the people and advises the National Government on security issues that affect the county.

> The Authority is obligated to present quarterly reports on the progress of its functions and when doing so must make the report accessible and give the members of public an opportunity for feedback.

> The Authority further receives reports from the various county community policing forums and committees on the trends of crime and have to indicate the strategies that they shall implore on addressing the same;

> The Authority is also to give feedback from the information that it gathers from the policing committees on how the police service in the county has performed;
The recruitment of members of the public to the Authority should be undertaken in an open and competitive manner including placing the advertising notice in accessible places, publicizing the candidates that have applied, the shortlisting criteria and shortlisted candidates, the interview dates and panel and the successful candidates with reasons.

The successful candidates are then to be vetted by the County Assembly and the same ought to be accessible to the public.

Through its participatory approach in its activities, members of the public have an opportunity to access all the relevant information pertaining to security and scrutinize the same, thereby increasing transparency.

Members of the public can also question the Authority on any aspect of their activities and role which promotes accountability in how security affairs are handled in the county.
The County Policing Authority model of policing enables local people to have a say and take part in decisions in the security matters of the county.

The County Authority is premised on the recognition that communities are better placed to identify their own security and safety needs and how they can be met thereby providing them a platform to be actively involved in the planning and implementation.

The members of the public are provided a platform to make suggestions to the police service within the county on what they should focus on and also measure on how police officers are performing their duties in the county;

The members of the public have an avenue to monitor the progress and achievements of the County Policing Authority through accessing and scrutiny of its reports;

The County Policing Authority has the function of providing financial oversight of the budget of the county police.

Security operations are key in the protection and promotion of human rights and dignity of everyone.

The County Policing Authority by incorporating the local persons enhances the service delivery in the security arena which in turn promotes the rule of law and respect for human dignity.
Historically there are specific groups that have been discriminated and marginalized through various ways including omission from decision making platforms.

The membership of the Authority takes cognizant of this factor and deliberately includes the representation of vulnerable groups comprising of women, persons with disabilities and the youth.

In order to ensure non-discrimination, the County Public Service Board is obligated to apply and observe the following rules:

- the principle that no more than two thirds of the appointed members shall be from one gender;
- ensure geographical representation of the county
- The membership of the County Policing Authority shall be proportional to the number of constituencies in the County.

This equitable representation ensures that the specific needs and unique dynamics of these groups are better articulated and addressed.

The Authority is also mandated to identify the trends and patterns of crime in the county and gauge how the crimes affects various vulnerable groups including women, children, persons with disabilities, the youth and the elderly;
• has been convicted of a felony; or
• has not been resident or employed in the county for a continuous period of not less than three years.

A member of the Authority, may be removed from office for—
• mental or physical incapacity;
• violating of the Constitution;
• bankruptcy;
• incompetence;
• conviction of a felony and sentenced to imprisonment for a term exceeding six months;
• gross misconduct or misbehavior; or
• any other justifiable cause or upon an order of a court of competent jurisdiction.

For the promotion of the rights to fair administrative action and also the right to fair hearing, a person wishing to remove a member of the Authority other than the chairperson, may present a petition to the Governor. If the Governor finds that the allegation made has no merit he shall dismiss the petition and state the grounds of dismissal. Where the member or petitioner is dissatisfied with the decision of the Governor he or she may apply for review of the decision to the Cabinet Secretary and the member shall be given an opportunity to defend himself.

The County Policing Authorities are structured in the law and are under the overall leadership of the Inspector General of Police.

In all its undertaking, the members of the County Authority have to respect the Constitution, rule of law and abide by the guidelines of operation that have been set by law.

The County Authority cannot at any time usurp or duplicate the work of the police.

It cannot in the conduct of its functions interfere with investigations of any offence, law enforcement, recruitment, assignment of security duties of police officers or meet more than twice every three months.

In line with Chapter 6 of the Constitution which addresses issues of integrity, a person shall not qualify for appointment as a member if that person—

• has violated the Constitution;
• is adjudged bankrupt;
• is not of good character or moral standing;
How are meetings conducted in CPAs?
The chairperson shall convene a meeting of the Authority and shall give at least fourteen days' notice of the meeting to the members of the Authority. However, a special meeting can be convened upon the request of at least 5 members to deal with a specific matter.

Every County Policy Authority shall meet at least once every three months at a time and venue to be communicated by the Chairperson.

What is the quorum for a meeting by the Authority?
The quorum of the Authority shall be fifty percent of the total members including the chairman of the county security committee and the head of the National Police Service.

Who chairs the meetings of the Authority?
The chairperson of the Authority or his or her appointee shall preside at every meeting of the Authority. In the absence of both persons the members shall elect one amongst their number.

How will the Authority make its decisions?
Unless a unanimous decision is reached, a decision on any matter before the Authority shall be by more than a half of the votes of the members present and voting, and in the case of an equality of votes the chairperson or the person presiding shall have a casting vote.

How will the members of the Authority be paid?
In promoting the right to fair labour relations which include the right to a fair remuneration, members of the Authority shall be paid such allowances as may be determined from time to time by the Cabinet Secretary in charge of national security on the advice of the Salaries and Remuneration Commission.

Where does the Authority get its funds?
The expenses of the County Policing Authorities shall be met by the National Police Service as per the provisions of section 49 of the National Police Service Act.
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