

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**KIAMBU COUNTY ACTS, 2018**

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**NAIROBI, 11th October, 2018**

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**THE KIAMBU COUNTY ENFORCEMENT ACT, 2018**

**No. 10 of 2018**

*Date of Assent: 5th October, 2018*

*Date of Commencement: 12th October, 2018*

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**THE KIAMBU COUNTY ENFORCEMENT ACT, 2018****AN ACT of the County Assembly of Kiambu to establish a legal framework for enforcement of County and other relevant Legislation and for connected purposes**

**ENACTED** by the County Assembly of Kiambu, as follows—

**PART I— PRELIMINARY**

**1.** This Act may be cited as the Kiambu County Enforcement Act, 2018. Short Title

**2.** In this Act, unless the context otherwise provides— Interpretation

“arrest” means the act of apprehending a person for suspected commission of an offence or by the action of legal authority;

“Board” means the Kiambu County Public Service Board established by section 57 of the County Governments Act, 2012;

“Chief Officer” means the Chief Officer in the Department of Public Service and Administration;

“Chief Superintendent” means the Chief Superintendent appointed under section 6;

“County: means the Kiambu County;

“Court” means a court of competent jurisdiction;

“Directorate” means the Directorate of Enforcement established under section 5;

“Enforcement officer” means an officer appointed to serve as an enforcement officer in the Directorate;

“Executive Committee Member” means the Member of the County Executive Committee for the time being responsible for public service and administration;

“Reasonable time” means any period of time between six o’clock in the forenoon and six o’clock in the afternoon of any day of the week.

**3.** The purpose of the Act is to establish a framework for enforcement of the county legislation and other applicable written laws for effective performance and Purpose of the Act

exercise of powers conferred on the County Government under Part 2 of the Fourth Schedule to the Constitution.

#### PART II—ADMINISTRATION

4. (1) There is established in the County the Directorate of Enforcement which shall be an office in the county public service. Establishment of the Directorate.

- (2) The functions of the Directorate shall include—
- (a) advising the County Government on all matters relating to enforcement;
  - (b) implementing co-operation and collaboration agreements between the County Government and the National Government enforcement agencies in the performance of enforcement functions; and shall in so doing give guidance in respect to compliance with any directions issued by the National Government enforcement agencies;
  - (c) ensuring the implementation of policy and operational directions of the Directorate;
  - (d) recommending the budgetary estimates for better implementation of this Act;
  - (e) ensuring compliance with the Enforcement Standing Orders as may be issued from time to time;
  - (f) promoting co-operation with other public or private bodies in the provision of enforcement statistics on crime rates, detection rate, public confidence in the enforcement, number of complaints against the enforcement, as well as personnel statistics;
  - (g) preparing periodic reports necessary for evaluating and monitoring the performance of the Directorate and an annual report for further submission to the County Assembly;
  - (h) providing security and maintaining order in public markets, bus parks, stadia, government offices, government properties and any other public place under the management of the County Government;
  - (i) carrying out inspections within Kiambu County and enforcing County legislations and applicable national laws;

- (j) regulating and controlling traffic within the County for maintenance of good public order;
- (k) collaborating and cooperating with National enforcement agencies to maintain law and order within the County; and
- (l) performing any other duties that may be prescribed by this Act or any other written law or assigned from time to time.

5. (1) The Directorate shall be headed by a Director who shall be appointed by the County Public Service Board on such terms and conditions as the County Public Service Board shall determine.

Appointment of the Director.

(2) The Director shall be responsible to the Chief Officer.

(3) A person shall not be appointed as a Director under this Act unless that person—

- (a) is a citizen of Kenya;
- (b) possesses an academic degree from a university recognized in Kenya;
- (c) possess at least five years' work experience in a managerial
- (d) position; and
- (e) meets the requirements of Chapter Six of the Constitution.

(4) The Director shall be responsible for the day to day operations of the Directorate, and in particular—

- (a) oversee and supervise the implementation of the functions of the Directorate;
- (b) prepare the budgetary estimates and the directorate's annual work plan for the approval by the Executive Committee;
- (c) oversee and monitor the implementation of the directorates budget and the annual work plan;
- (d) supervise and evaluate the performance of the staff under the Directorate;
- (e) advice the Executive Committee Member on matters relating to enforcement and security within the County;

- (f) prepare quarterly report and submit to the Executive Committee Member on matters relating to the security and enforcement;
- (g) prepare any other report or statement as may be required by the Executive Committee Member; and
- (h) undertaking such other functions as may be prescribed under this Act, any other written law or assigned from time to time by the Executive Committee.

(5) Notwithstanding the provisions of subsection (1), the County Public Service Board may remove a Director—

- (a) for gross misconduct;
- (b) where adjudged bankrupt;
- (c) for abuse of office;
- (d) due to in competence or neglect of duty;
- (e) due to inability to perform his or her duties arising out of physical or mental capacity;
- (f) due to a breach of the public officers code of ethics; or
- (g) due to a conviction of a crime under this Act or a traffic offence whose penalty exceeds an imprisonment term of six months.

6. (1) The County Public Service Board shall appoint a Deputy Director who shall be an enforcement officer of the rank of a chief superintendent.

Appointment of a  
Deputy Director

(2) the Deputy Director, shall, in addition to such other functions assigned by the Director from time to time—

- (a) ensure the maintenance of discipline among the enforcement officers;
- (b) appraise the performance of the enforcement officers;
- (c) recommend to the Director the deployment or re-deployment of any enforcement officer;
- (d) ensure the implementation of the directorates annual work plan;

- (e) prepare and submit a quarterly report on the status of security and enforcement within the County and submit to the Director;
- (f) prepare any other report or prepare a statement to answer to any question or queries as may be directed by the Director; and
- (g) be in charge, generally, of allocation of duty and supervision of enforcement officers within the County.

(3) Notwithstanding the provisions of subsection (1), the County Public Service Board may remove a Deputy Director—

- (a) for gross misconduct;
- (b) where adjudged bankrupt;
- (c) for abuse of office;
- (d) due to in competence or neglect of duty;
- (e) due to inability to perform his or her duties arising out of physical or mental capacity;
- (f) due to a breach of the public officers code of ethics; or
- (g) due to a conviction of a crime under this Act or a traffic offence whose penalty exceeds an imprisonment term of six months.

7. (1) The Executive Committee Member shall designate from among the County enforcement officers an officer in charge of—

Designation of an  
Officer- in-charge

- (a) a sub-county, municipality or a city who shall be an officer in the rank of a Senior Superintendent; and
- (b) a Ward, town or other decentralized units who shall be an officer in the rank of superintendent I.

(2) An Officer- in- Charge shall—

- (a) oversee and supervise the implementation of the Directorate's functions within their area of jurisdiction;
- (b) Allocate duties and ensure maintenance of discipline of the officer within their jurisdiction;

- (c) recommend to the Director the institution of disciplinary proceedings;
- (d) prepare quarterly reports and submit them to the Deputy Director on the status of security and enforcement in their areas of jurisdiction; and
- (e) perform any other duties as may be assigned by the Deputy Director from time to time.

**8.** (1) The County Public Service Board may, on the recommendation of the Chief Officer, appoint such number of persons as shall be necessary for better implementation of this Act.

Appointment of  
enforcement  
officers

(2) Persons appointed under subsection (1) shall undergo mandatory training to be established through curricula to be developed by the Directorate with the approval of the County Executive Committee.

(3) A person appointed under this section may be appointed under any of the following ranks in accordance with the relevant scheme of service—

- (a) Chief Superintendent;
- (b) Senior Superintendent;
- (c) Superintendent I;
- (d) Superintendent II;
- (e) Superintendent III;
- (f) Senior Inspector;
- (g) Inspector I;
- (h) Inspector II;
- (i) Inspector III;
- (j) Assistant Inspector;
- (k) Senior Sergeant;
- (l) Sergeant;
- (m) Corporal;
- (n) Constable.

(4) In addition to subsection (3), the County Public Service Board may, on the recommendation of the Chief Officer, promote an officer to a higher rank in accordance with the provisions of the relevant scheme of service.

(5) The Executive Committee Member shall make regulations for the procedure of appointment of ranks of the enforcement officers.

9. The County Public Service Board may, on recommendation of the Chief Officer, appoint such other members of staff for better implementation of this Act.

Appointment of other members of staff.

10. The recruitment and composition of the Directorate shall, so far as is reasonably practicable—

Gender, ethnic and regional balance.

- (a) ensure gender parity;
- (b) reflect the regional and ethnic diversity of the County; and
- (c) ensure equity of opportunity amongst all the wards in the County.

11. (1) In addition to any other requirements under this Act, a person shall not be appointed as an enforcement officer unless that person make and sign before an officer authorized by law to administer oath, either in English or Swahili, the oath or the affirmation set out in the First Schedule.

Oath of office

(2) Notwithstanding the provisions of sub-section (1), any person employed as an enforcement officer of the County Government at the time of enactment of this Act shall within thirty days from the date of commencement of this Act comply with the provisions of sub-section (1)

(3) A person who, being required to take the oath of office under this section fails to do so within the time set out under this section shall immediately cease being an enforcement officer of the County Government.

12. (1) The Executive Committee Member shall prescribe the standing orders for enforcement officers.

Standing orders for enforcement officers

(2) The standing orders set out in the Second Schedule shall be deemed to be prescribed in accordance with this provision and the Executive Committee Member may from time to time amend this Schedule as shall be appropriate.

(3) In addition to other employment regulations, rules and procedures prescribed for the employee of the County, an enforcement officer shall be required to abide by the prescribed standing orders.

**13.** No member of the Directorate shall engage in any trade, business or employment, if the trade, business or employment is in conflict of interest with the performance of the enforcement officer's duties.

Enforcement Officers prohibited from conflict of interest.

**14.** (1) The Executive Committee Member may, with the approval of the County Executive Committee, prescribe the uniforms of a suitable kind and design, with suitable insignia and identification badge, to be worn by appropriate ranks of enforcement officers.

Uniforms and identification badge

(2) Unless specifically authorized by the immediate supervisor for a specific purpose, an enforcement officer shall wear the prescribed uniform while on official duties.

(3) The prescribed uniform shall be provided to an enforcement officer by the County Government.

**15.** (1) An enforcement officer who is dismissed from the Directorate, or who resigns from office, or otherwise leaves the Directorate, shall forthwith deliver to Officer-in-Charge of the duty station to which that person was last deployed, every article which has been supplied to him and which he or she has not been expressly authorized to keep or use for his or her private benefit, and in particular, the crown and the identification badge.

Surrender of public property on resignation

(2) Any person who fails to comply with subsection (1) commits an offence, and shall, on conviction, be liable to a fine of a sum not exceeding two hundred thousand shillings or imprisonment for a term not exceeding three months or to both.

(3) In addition to any other remedy under this Act, the County Government shall publish and publicize in the County Government communication channel any information of an enforcement officer who contravenes the provisions of this section.

**16.** (1) Subject to the provisions of this Act, an enforcement officer shall be entitled to all rights set out in the Constitution.

Limitation of rights and fundamental freedoms of enforcement officers.

(2) The right to privacy as provided for under Article 31 of Constitution shall be limited under this Act but only to the extent of ensuring or assuring—

(a) the protection of classified information;

- (b) the security and safety of officers of the Directorate;
- (c) the integrity of the Directorate; and
- (d) that the enjoyment of the rights and fundamental freedoms by any individual does not prejudice the rights and fundamental freedoms of others.

**PART III—POWERS AND RESPONSIBILITIES OF ENFORCEMENT OFFICERS**

**17.** (1) An Enforcement officer shall obey and execute all lawful orders in respect of the execution of the duties of office which she or he may from time to time receive from his or her supervisors and may-

Duties and Powers of officers.

- (a) at any reasonable time, enter any place in which the enforcement officer believes on reasonable grounds that any person is in any way contravening the provisions of a County or applicable national legislation;
- (b) arrest any person who is in breach of any County or applicable national legislation or standards which is within the jurisdiction of the County;
- (c) seize anything which may be necessary to effectively enforce the laws; or
- (d) destroy or in any such other way, dispose of any item or good whose continued existence would constitute a breach of the provisions of the County or applicable national laws, subject only to the Executive Committee Member's guidance.

(2) Notwithstanding the provisions of subsection (1) (d) an item may only be destroyed or disposed in accordance with the procedure prescribed under the relevant written law.

**18.** (1) An enforcement officer on duty may stop any person whom the officer witnesses doing any unlawful thing, or suspects of doing any unlawful act or thing or being in possession of anything for which a permit, license or certificate or pass is required under any written law and has no such permit, license or certificate.

Stoppage

- (2) A person who fails to produce a license, permit,

certificate or pass within forty eight hours when called upon to do so, may be arrested without a warrant unless he gives his name and address and otherwise satisfies the officer that he will duly answer any summons or any other proceedings which may issue or be taken against him or her.

(3) Where an enforcement officer intends to carry out an arrest under sub section (2), he or she shall produce their enforcement identification card and shall explain to the suspect the reason of arrest in a language or manner they understand.

(4) Notwithstanding sub section (3), the enforcement officer carrying out the arrest shall explain to the suspect of his or her rights while in custody.

(5) An enforcement officer who abuses the powers under this section commits an offence under this Act and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding one year or to both.

**19.** (1) Subject to Article 49 of the Constitution, an Enforcement officer may without a warrant, arrest a person who— Power to arrest.

- (a) is accused of breaching any law within the enforcement officer's area of jurisdiction and that enforcement officer believes upon reasonable ground that such breach has been committed;
  - (b) obstructs an enforcement officer while in the execution of duty;
  - (c) commits a breach of the peace in the presence of the enforcement officer;
  - (d) is in possession of an item or thing which is reasonably suspected to have been used to commit an offence;
  - (e) the enforcement officer suspects upon reasonable grounds of having committed or being about to commit a breach of a county law or national law enforceable by the enforcement officer; or
  - (f) the enforcement officer has a reasonable cause to believe a warrant of arrest has been issued.
- (2) Notwithstanding sub section (1), an enforcement

officer may apply to court for a warrant of arrest and on such warrant, arrest any person who the enforcement officer reasonably believes is committing or intending to commit an offence under the County Legislation or a national legislation enforceable by the enforcement officer.

**20.** (1) An arrest by an Enforcement officer, whether with or without a warrant, shall be subject to the rules contained in this section with respect to arrest and detention.

Arrests and detentions by an Enforcement officer.

(2) In the performance of the functions and exercise of the powers of arrest and detention set out in the Constitution and this Act or any other law, an enforcement officer shall carry out an arrest and detention only as provided for in the law.

(3) An enforcement officer shall accord an arrested or detained person all the rights set out under Articles 49, 50 and 51 of the Constitution.

(4) Every arrested person shall as soon as practicably possible but in any event not more than three hours after arrest be handed over to the police station in the jurisdiction within which the offence has been committed.

(5) An enforcement officer who contravened the provisions of this section shall be personally guilty of a disciplinary offence and may be tried for a criminal offence.

**21.** (1) An enforcement officer shall—

- (a) Perform the functions and exercise the powers conferred by the Constitution and this Act by use of non-violent means
- (b) Notwithstanding the provisions of sub-section (2) an enforcement officer may use reasonable force for purposes of fulfilling the objectives of this Act.

Non-Violent means.

**22.** (1) An enforcement officer may not enter a dwelling place except with the consent of the occupant or upon reasonable suspicion of the commission of an offence and the entry is necessary for the enforcement of the provisions of this Act.

Entry of dwelling place.

(2) The time of such entry shall be between six o'clock in the forenoon and six o'clock in the afternoon of any day of the week.

(3) An enforcement officer who exercises the powers conferred under this section shall—

- (a) identify himself or herself;
- (b) record the action;
- (c) record any items, thing or document seized; and
- (d) make a report regarding such exercise and submit it to the immediate supervisor within twenty four hours of taking such an action.

(4) Notwithstanding the provisions of sub-section (2) an enforcement officer may enter a dwelling place at any time provided that such enforcement officer has obtained relevant warrant.

**23.** (1) No person shall obstruct or hinder, or knowingly make a false or misleading statement to an Enforcement officer who is carrying out duties under this Act. Obstruction

(2) A person who contravenes sub section (1) commits an offence and on conviction is liable to a fine of a sum not exceeding one hundred thousand or to imprisonment for a term not exceeding three months or to both.

**24.** (1) During an inspection under this Act, an enforcement officer may, in addition to any other remedy provided under this Act, seize any item, good, property, document or thing by means of which or in relation to which the officer believes, on reasonable grounds, that any provision of any County or national legislation or standard has been contravened and a full inventory thereof shall be made at the time of such seizure by the enforcement officer. Seizure.

(2) The enforcement officer may direct that anything seized be kept or stored in the place where it was seized or that it may be removed to another place

(3) Unless authorized by an enforcement officer, no person shall remove, alter or interfere in any manner with any other thing seized.

(4) Any person from whom an item, good, property, document or thing was seized may, within thirty days after the seizure, apply to Court for an order of restoration, and shall send notice containing the prescribed information to

the relevant Department within the prescribed time and in the prescribed manner.

(5) The enforcement officer shall make a report of the seizure to his or her immediate supervisor as prescribed in the Third Schedule within forty eight hours of such seizure.

(6) Where goods seized by an enforcement officer are not claimed within ninety days, the County Government may dispose of the goods in accordance with the Disposal of Uncollected Goods Act.

(7) Prior to disposal of any goods under subsection (6), a public notice of at least thirty days shall be issued of the intended disposal of goods and published in the approved County Government communication channels.

**25.** (1) The Court may order that the thing be restored immediately to the applicant if, on hearing the application, the court is satisfied that—

Order of restoration.

- (a) the applicant is entitled to possession of the item, good, property, document or thing seized; and
- (b) the item, good, property, document or thing seized is not and will not be required as evidence in any proceedings in respect of an offence under this Act.

(2) Where upon hearing an application made under subsection (1) the court is satisfied that the applicant is entitled to possession of the thing seized but is not satisfied with respect to the matters mentioned in paragraph (b) of sub section (1), the court may order that the thing seized be restored to the applicant on the expiration of seven days from the date of seizure if no proceedings in respect of an offence under this Act have been commenced before that time.

(3) Where an order of restoration is made, such item, good, property or thing seized shall be released to the applicant upon payment of impounding fees under the applicable laws unless the Court orders otherwise.

#### **PART IV— OFFENCES**

**26.** (1) It shall be unlawful for an enforcement officer to subject any person to torture or other cruel, inhuman or degrading treatment.

Prohibition against torture or cruel treatment.

(2) An enforcement officer who subjects a person to cruel, inhuman or degrading treatment commits a criminal offence under the Penal Code.

**27.** (1) A person other than an enforcement officer who, without written authority of the Chief Superintendent—

Impersonation of an enforcement officer

- (a) puts on or assumes, either in whole or in part, the uniform, name, designation or description of an enforcement officer, or a uniform, name or designation, resembling or intended to resemble the uniform, name or designation of an enforcement officer; or
- (b) in any way pretends to be an enforcement officer for any purpose which he would not by law be entitled to do his or her own authority,

commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or to a term of imprisonment not exceeding ten years, or to both.

(2) Notwithstanding subsection (1) person may, with the approval of the Chief Superintendent use enforcement uniform for artistic purposes.

**28.** Any person who—

Assault in execution of duty

- (a) assaults, resists, or willfully obstructs an enforcement officer in the execution of the enforcement officer's duties;
- (b) assaults, resists or willfully obstructs any person acting in aid of the enforcement officer;
- (c) attacks an animal belonging to the enforcement, or
- (d) intentionally or recklessly, destroys enforcement property,

Commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

**29.** (1) A person who contravenes the provisions of this Act for which no penalty is specified or fails to comply with any order or direction given under this Act, shall be punishable with fine not exceeding fifty thousand shillings.

General Penalty

(2) a person who having been convicted of an offence under this Act, is again found guilty and is convicted of an offence under this Act, shall be punishable upon conviction with double the penalty provided for the offence.

**PART V— PROVISIONS ON DELEGATED  
POWERS**

**30.** (1) The member of the County Executive Committee may, upon recommendation by the Director <sup>Rules.</sup> make rules for the purpose of carrying out the provisions of this Act.

(2) without prejudice to the generality of subsection (1), the rules made may provide for—

- (a) the prescribing of anything required to be prescribed in this Act;
- (b) prescribing administrative organization of the service;
- (c) the description, wearing and issue of uniform, accoutrements and necessaries by the enforcement;
- (d) monitoring and evaluation of the performance of the functions of the enforcement;
- (e) facilitating the involvement of the public in the activities of the enforcement;
- (f) establish an Enforcement Reform Unit for ensuring continuous and sustainable enforcement reforms;
- (g) generally for the good order and management of the enforcement;
- (h) the penalties and disciplinary procedures applicable to enforcement officers who commit any of the offences against discipline set out in the Second Schedule.

(3) For the purposes of Article 94(6) of the Constitution—

- (a) the purpose and objective of the delegation under this section is to enable the Executive Member to make rules for better carrying into effect the provisions of this Act;

- (b) the authority of the Executive Member to make rules under this Act will be limited to bringing into effect the provisions of this Act and fulfillment of the objectives specified under this section;
- (c) the principles and standards applicable to the delegated power referred to under this Act are those found in—
  - (i) The Statutory Instruments Act 2013;
  - (ii) The Interpretation and General Provisions Act;
  - (iii) The general rules of international law as specified under Article 2(5) of the Constitution; and
  - (iv) Any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

**FIRST SCHEDULE (s.12)**

**OATH/AFFIRMATION OF OFFICE**

I,..... do swear/do solemnly and sincerely affirm that I will be faithful and bear true allegiance to the Constitution and the Governor of Kiambu County during my..... without favour or affection, malice or ill will; that I will at all times do my utmost to reserve the peace ad to prevent offences against the peace; that while I shall continue to uphold the said office, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law and will not; I will subject myself to the Constitution, all Acts, orders and rules now or in future within the jurisdiction of the County and that I will discharge my duties and the duties of the Enforcement according to law, without fear, favour, affection or ill will. (SO HELP ME GOD)

**OATH/ AFFIRMATION OF SECRECY**

I..... (full names) DO HEREBY SWAER BY THE ALMIGHTY GOD/SOLEMNLY AND SINCERELY AFFIRM THAT I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf or under the direction of the Enforcement or by reason of any office or employment held by me pursuant to the Kiambu County Enforcement Act... SO HELP ME GOD.

**SECOND SCHEDULE s.13**

**STANDING ORDERS**

**1. CONSTITUTION**

The Kiambu County Enforcement Standing Orders are established in accordance with this Act and the Constitution of Kenya.

**2. COMMAND**

The enforcement officer is under the command of the Chief Superintendent who is responsible to the Director for its efficient administration.

**3. ESTABLISHMENT**

The establishment of the Directorate in each rank shall be determined from time to time by the County Public Service Board.

#### 4. DECLARATION

On appointment all members of the Directorate will be required to make and sign a declaration that he/she will subject himself/herself to all orders and regulations relating to the Directorate.

#### 5. RANKS AND BADGES OF RANKS

The ranks of the Directorate are as follows in the order of seniority.

- (a) Chief Superintendent;
- (b) Senior Superintendent;
- (c) Superintendent I;
- (d) Superintendent II;
- (e) Superintendent III;
- (f) Senior Inspector;
- (g) Inspector I;
- (h) Inspector II;
- (i) Inspector III;
- (j) Assistant Inspector;
- (k) Senior Sergeant;
- (l) Sergeant;
- (m) Corporal;
- (n) Constable.

#### 6. FUNCTIONS

The functions of the Directorate shall be to—

- (1) provide security and maintain order in public markets, bus parks, stadium, government offices, government properties and any other public place under the management of the County Government;
- (2) carry out inspections within Kiambu County and enforce County legislations and applicable national laws;
- (3) regulate and control traffic within the County for maintenance of good public order;
- (4) collaborate and cooperate with National enforcement agencies to maintain law and order within the County;
- (5) Perform any other duties that may be prescribed by this Act or any other written law from time to time.

## 7. DUTIES AND RESPONSIBILITIES

- (a) The Director shall be head of the Directorate and shall be responsible for the day to day operations of the Directorate. He/she shall make orders for good governance of the Directorate in relation to engagement, ranks, duties, training, transfers, discharge, place of residence, clothing, equipment and inspection thereof.
- (b) The Deputy Director shall be second in command of the Directorate in the rank of Chief Superintendent who shall assist the Director in his/her duties; will assume office of the Director in their absence and will be responsible to the Director for training of all ranks in the Directorate.
- (c) SUB COUNTY ENFORCEMENT OFFICER – shall be in charge of enforcement at the sub-county, municipality or a city level and shall be an officer in the rank of a Senior Superintendent.
- (d) WARD ENFORCMENT OFFICER- shall be in charge of enforcement at the Ward, town or other decentralized units and shall be an officer in the rank of Superintendent I.

## 8. SMOKING ON DUTY

All enforcement officers of the Directorate in uniform and on duty are prohibited from smoking in public places.

## 9. CONDUCT OF THE ENFORCMENT OFFICERS

All enforcement officers carry the reputation of the Directorate and the County Government of Kiambu and therefore they must;-

- (a) Always be clean and smart on or off duty;
- (b) Never discuss their work with other members of the public;
- (c) Be confident by having a clear knowledge of their duties and powers as prescribed by this Act.
- (d) Not engage in political activities that deter them from carrying out their responsibilities under this Act;
- (e) Obey promptly and willingly, all lawful orders given to them by their superiors;
- (f) Perform diligently any duty for which they may be assigned from time to time.

**10. COMPLAINTS BY MEMBERS OF THE DIRECTORATE**

- (a) An enforcement officer may lodge a complaint by making a formal written complaint to his/her immediate superior and ask to be brought before the Chief Superintendent.
- (b) An enforcement officer making a complaint without following due procedure shall have committed an offence against discipline, whether or not there is substance in the complaint.
- (c) The immediate superior is bound to bring a subordinate officer before the Chief Superintendent when requested to do so for this purpose.
- (d) Every member of the Directorate has the right to be paraded before the Director if dissatisfied with the decision of the Chief Superintendent.

**11. COMPLAINTS AGAINST ENFORCMENT OFFICERS**

- (i) All complaints made by members of the public against any enforcement officer shall be reported to the Ward Enforcement Officer who shall forward it to the Sub County Enforcement Officer in charge of the area for consideration. The Sub County Enforcement Officer shall institute investigations without delay in order to uphold the good name of the Directorate and create a good relationship with members of the public.
- (ii) Any complaint against an enforcement officer shall receive a full, un prejudiced and immediate hearing and redress will follow a well- founded complaint.
- (iii) Where the Director finds or considers that any complaint made against an enforcement officer is of a serious nature he or she shall make his or her recommendations to the County Secretary who shall appoint a Committee to investigate and report its finding and recommendation to him.

**12. TRAINING/ PARADES**

- (1) The training of enforcement officers is a continuous process and will not be considered to have been completed at the end of an officer's initial training course.
- (2) It is the policy of the Directorate that an enforcement officers shall undertake a regular training from time to time and n particular-
  - (a) An enforcement officer shall undertake an initial training course as prescribed in the relevant scheme of service.

- (b) In addition to any other training, an enforcement officer may from time to time undertake a refresher course as may be recommended by the Executive Committee Member; and,
  - (c) an enforcement officer may be required to undertake other courses on court procedure, criminal procedure, criminal investigations, public relations, communications, conflict management and dispute resolution mechanisms and other relevant courses as may from time to time be recommended.
- (3) Frequent lectures and tuitions shall be offered to all members of the Directorate on all aspects of their duties and in particular—
- (a) Drills/Salutes.
  - (b) County Government and National legislations;
  - (c) Powers of search or methods of search;
  - (d) Care and treatment of persons in custody;
  - (e) Escort of persons held in custody;
  - (f) Co-operation with other enforcement agents; and,
  - (g) First Aid.
- (4) All enforcement officers shall be carefully inspected as to the cleanliness of their uniforms and equipment. Parades will be exercised in foot drill.

### 13. TERMINATION OF SERVICE

An enforcement officer who is dismissed from the Directorate, or resigns from office, or otherwise leaves the Directorate, shall forthwith deliver over to the officer in charge every article which has been supplied to him or her and which he or she has not been expressly authorized to keep or use for his/her private use.

### 14. DISCIPLINE.

All members of the Directorate must at all times obey promptly all orders given to them by persons in lawful authority over them and must at all times act in obedience to the provisions of this Act and other relevant county and national legislations, of these standing orders, of the county human resource code of conduct and conditions of service.

### 15. OFFENCES AGAINST DISCIPLINE

1. It shall be an offence against discipline for any enforcement officer

to—

- (a) Unlawfully strike, or use or threaten violence against any enforcement officer or any other person.
- (b) Use any obscene, abusive or insulting language in any form to any enforcement officer;
- (c) Use threatening or insubordinate or disrespectful language, word, act or demeanor to an enforcement officer senior to him in rank;
- (d) Cause a disturbance in any enforcement premises;
- (e) Be guilty of drunkenness while on duty;
- (f) Drink intoxicating liquor or psychotropic substances or drugs, or smoke in uniform when actively engaged on duty in a public place;
- (g) Willfully disobey any lawful command or order;
- (h) Absent himself without leave;
- (i) Be found sleeping while on duty;
- (j) Leave his post or place of duty before he/she is regularly relieved, except in fresh pursuit of an offender who it is his/her duty to apprehend;
- (k) While under arrest or in detention, leave or escape from such arrest or detention before he/she is set at liberty by proper authority;
- (l) Neglect or refuse to assist in the apprehension of any Enforcement officer charged with any office, when lawfully ordered so to do;
- (m) Resist any lawful arrest;
- (n) Negligently allow any prisoner, who is committed to his charge, or whom it is his/her duty to guard, to escape;
- (o) Discharge any weapon without orders or without reasonable lawful cause;
- (p) Without reasonable cause, fail to attend to any parade, instruction class or court or any other duty which he or she is required to attend;
- (q) Sell, pawn, lose by neglect, make away with or willfully or negligently damage, or fail to report any loss or damage to, any arm, ammunition, accoutrement, uniform or other article of

personal issue or any vehicle or other property committed to his charge belonging to the Government or for which the Government is responsible; or

- (r) Be in improper possession of any public or private property; or
- (s) Commit any act of plunder or wanton destruction of any property;
- (t) Be negligent in the performance of his duty;
- (u) Appear on duty untidy or dirty in his/her person, arms, clothing or equipment;
- (v) Make or sign any false statement in any document or official record;
- (w) Without proper authority, disclose or convey any information concerning any investigation or other enforcement matter;
- (x) Malinger, or feign any disease or infirmity;
- (y) Knowingly and willingly transmit any venereal disease or HIV/AIDS;
- (z) Without proper authority demand or exact from any person any carriage, portorage or provisions
- (aa) Commit an act which amounts to corruption under any law in force in Kenya;
- (bb) Make any false statements upon joining the Directorate; or
- (cc) Refuse or neglect to make or send any report or return which it is his duty to make or send; or knowingly make any false accusation or complaint or statement against any enforcement officer or other person, affecting the character of such person, or willfully suppress any material fact.

#### 16. DISCIPLINARY COMMITTEE

The County Government disciplinary procedures shall apply in addressing the indiscipline of an enforcement officer.

#### 17. REVISION

These rules and regulations may be revised from time to time as the Executive Committee Member may deem fit.

**THIRD SCHEDULE  
REPORT ON SEIZURE OF GOODS/PROPERTY**

Form *Third Schedule; p.4*

**ENFORCEMENT OFFICER'S REPORT**

To: .....

From: .....

Name.....

Employment No. ....

Please take note that on the ..... day of ..... 20.....at.....am/pm, I.....

holder of national identification card no....., being an authorized officer, entered the business premises known as .....

located at ..... building ..... street and seized the following goods/obtained the following documents/made the following finding/observations-

.....  
.....  
.....  
.....

The details of the licensee/business owner are as follows:

Name: .....

Postal address.....

Physical address.....

Telephone contacts .....

The goods seized were the following:

<i>Description</i>	<i>Quantity</i>	<i>Date of Expiry</i>	<i>Place of Custody</i>

Signed.....Dated.....