

taken place on 20/08/2014
by Hon. Taita Kossam

Muri PCACLP

NAIROBI CITY COUNTY ASSEMBLY



FIRST ASSEMBLY - SECOND SESSION

FOURTH REPORT OF THE

COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ON

SITE VISIT TO CITY INSPECTORATE TRAINING SCHOOL, THE DOG
POUND AND THE GENERAL STORES.



Clerk's Chamber

City Hall

NAIROBI

AUGUST, 2014

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(i) ANNEX (I) -CORRESPONDENCE

(Independent Medico - Legal Unit (IMLU) Letter

1.0 PREFACE

Hon. Speaker, The Committee on Justice and Legal Affairs is established under Standing Order 191 to; among other functions oversee all matters related to Constitutional affairs, the administration of law and justice, including the ethics, integrity and anti-Corruption and human rights, including inspectorate and enforcement.

1.1 Committee Membership

The Committee on Justice and Legal Affairs comprises the following members:

1. Hon. Jaffer Kassam - Chairperson
2. Hon. Moses Nyangaresi, MCA - Deputy Chairperson
3. Hon. Peter Migwi, MCA
4. Hon. Stephen.K Thuo, MCA
5. Hon. Muchiri Mwaniki, MCA
6. Hon. Maurice Akuk, MCA
7. Hon. Elkana Mauti, MCA
8. Hon. Martin Karanja, MCA
9. Hon. Jacqueline Awino, MCA
10. Hon. Martin Karanja Kingeth, MCA
11. Hon. Njoroge G. Maina, MCA
12. Hon. Jackson Kiama, MCA
13. Hon. Elias Otieno, MCA
14. Hon. David Mberia, MCA
15. Hon. Hashim Kamau, MCA
16. Hon. Mercy Kariuki, MCA
17. Hon. Jane Muasya, MCA



Mr. Speaker Sir,

The Committee had committed part of its programme of activity to visit the City Inspectorate Training School, the Dog-pound and the General Stores on 9th April, 2013. The visit was undertaken in order to assess the condition of the facilities to obtain a better understanding of the challenges confronting the City Inspectorate Training Section and to assess the extent to which policy processes have impacted on the three departments. The Committee's findings and recommendations are contained in this report.

1.2 Acknowledgement.

Mr. Speaker Sir,

The Committee on Justice and Legal Affairs wishes to thank the offices of the Speaker and the Clerk of the Nairobi City County Assembly for the support extended to it in the execution of its mandate. The committee wishes to acknowledge and express its appreciation to the City Inspectorate Chief Officer, the officials at the City Inspectorate Training School, the staffs at The Dog Pound and the officers at the General Stores for the support, advice and information they provided in the course of the investigations visits.

Mr. Speaker Sir,

It is my pleasant duty and privilege, on behalf of the Committee on Justice and Legal Affairs, to present the Committee's Report on the Committee's Site Visit to the City Inspectorate Training School, the Dog Pound and the General Stores, Nairobi to the House for adoption pursuant to standing Order 180.

Signed.....

Hon. Jaffer Kassam
(Chairman)

Date.....

20/8/2014

2.0 BACKGROUND

The Committee on Justice and Legal Affairs visited the City Inspectorate Training School on 9th April, 2013 in order to familiarize themselves with the mandate and operations of the institution including the curriculum used in training of the officers together with the challenges (if any) as one of their mandates as contained in the Second schedule of the Standing orders is enforcement.

The City Inspectorate Training School was established in 1963 to train the County Enforcement Officers in Nairobi County and officers from other Counties to acquainted with the skills of enforcement and is located at Dagoretti in Nairobi County.

During the visit, the Committee on Justice and Legal Affairs was met by the Director of the School and some staff employed at the Training School.

The Committee was informed that apart from the County Askaris being trained at the Training school, they were also taken for training outside the precincts of the school in order to be adequately acquainted with the skills of enforcement.

2.1 Objective

The objective of the visit was to assess the condition of the facilities to obtain a better understanding of the challenges confronting the City Inspectorate Training Section and to assess the extent to which policy processes have impacted on the department.

2.2 Observations/Findings

Arising from the visit, the Committee made the following observations:

1. The officers and staffs lack adequate working materials, equipment, transport and communication facilities to enable them carry out their duties effectively. There is lack of communication gadgets such as radio and of vehicles to carry the officers to training outside precincts of the inspectorate school.
2. The general cleanliness and tidiness of the compound of the training school is in pathetic condition and really wanting. A rusty old lorry was grounded in the compound with inflated tyres. The Committee members observed strewn litter all over the compound which poses environmental dangers.
3. The dispensary at the training school is ill-equipped and lacked recommended drugs.



4. There are no clear terms and references of staff appraisal at the Institution. Most officers have overstayed in acting capacity or stagnated at current designations and positions.
5. Most officers who are supposed to be in uniform are not provided with uniforms at work. This has always created mischief among city Askaris and imposters who take the opportunity to masquerade as City Askaris.
6. The quality of trained officers was questionable as there has been an increase of public outcry of the harassment and manhandling by the city Askaris. This has negatively impacted on the credibility of the City Inspectorate. This is evidenced by the increased complaints from the public about being manhandled by the County Askaris taking the case in point of the letter from the Independent Medico Legal Unit (IMLU) written to the Committee on 15th April, 2014 regarding torture, Inhuman treatment and unlawfull killing of small scale traders and members of the public by the Nairobi City County Askaris(Annex 1).
7. The Askaris are exposed to duty hardships such as injuries or deaths when officers are in the line of duty yet officers are never paid risk allowances.
8. At the time of visit, the school had only two classrooms and one lecture hall which also were dilapidated
9. At the time of examination, the machinery for pumping water at the City Inspectorate School had been damaged.
10. It was noted that outside exposure is not incorporated in the training lessons as trainees need to be exposed to areas such as Kigango and Administration Police Training College (APTC).

3.0 THE DOG POUND

The dog pound is located at City Park in parklands High ridge. It is meant to keep stray dogs and pets.

3.1 Background

The Committee on Justice and Legal Affairs visited the Dog Pound Section located in Pangani on 9th July, 2013.

3.2 Objectives

The objective of the visit was to assess the status of the infrastructure at the Dog pound and to establish the amount of revenue collected by the County in this sector.

3.3 Observations/Findings

Arising from the visit, the Committee made the following observations:

1. The Committee observed with concern that the road leading to the dog- pound was a steep, narrow rocky path and is the only access road available.
2. At the time of examination it was noted that the kennels had 3 dogs only due to lack of food and had had the capacity to keep more than 50 dogs at a time.
3. Most officers at the dog pound who are supposed to be in uniform are not provided with uniforms at work.
4. The workers at the dog pound complained of lack of necessary sanitation equipment such as washing soaps and gels. This exposes the staff to health risks such as flea infestations and flu. It was also noted that there was lack of vaccines and drugs.
5. The dog pound does not have a single vehicle to enable the staff carry out their inspection duties as required.

4.0 GENERAL STORES

The General stores is used to receive and store goods procured by the City County and a yard for vehicles impounded and towed for various reasons such as improper parking; vehicles damaged through accidents; vehicles suspected to be involved in various crimes within the City.

4.1 Background

The General Stores is located along Race Course Road behind Haile Selassie Avenue within the Central Business District. The Committee visited the General Stores on 9th July, 2013 in order to acquaint themselves with the operations of the premises and come up with the ways to improve the situation at the General-stores for proper implementation of duties by the City Inspectorate Department.

4.2 Objective

The Objective of the visit was to ascertain the reasons for the many complaints of towed vehicles impounded at the General stores; old impounded vehicles which had not been collected by their owners; and lack of hygiene at the compound of the General Stores.

4.3 Observations/Findings

Arising from the visit, the Committee made the following observations:

1. The visit revealed that there was no incinerator at the general stores and the wastes were being dumped on the open ground in the compound thereby posing health hazard to the environment.
2. There is no system of taking records of vehicles brought in by the Askaris or released to the owners upon payment of the charges. However, there are several cases in which the vehicles are released without paying the fine after intervention by county officers and Members of County Assembly
3. Old impounded vehicles which have not been collected by the owners were lying grounded at the compound. Some vehicles had overstayed in the compound for over three years and were already rusted.
4. The visit revealed that there were no adequate offices for the officers at the stores. At the time of examination improvised containers were being used as offices.

5.0 INPUT OF THE CITY INSPECTORATE DEPARTMENT

Mr. Francis Munyambu, Chief Officer for Security, Compliance and Disaster Management and Mr. Hillary Wambugu, the Director of City Inspectorate appeared before the Committee on Thursday, 31st July, 2014 in order to share their views on the Committee's recommendations concerning the report on the site visit to the City Inspectorate Training School, the Dog Pound Section and the General Stores on 9th April, 2013 with a view of recommending policy options for better performance of the three sectors, before tabling it in the Assembly for adoption.

After interrogation of the findings and recommendations of the report, the report was unanimously agreed upon by both the Executive and the Members.

5.1 Resolutions by the City Inspectorate Department

1. Action is being taken by the Director of City Inspectorate on the sections that don't require funding in the report hence will be implemented in the next two weeks.
The Director of City Inspectorate had instructed the officers at the General Stores to communicate to the owners whose old impounded vehicles had not

been collected after a long period to collect or reclaim their motor vehicles failure to which the motor vehicles which had not been collected or reclaimed by their owners would be sold or auctioned in order to create more space for new ones that are brought in on a daily basis;

The officers at the General stores were being trained on how to expedite the use of Jambopay to enhance and safeguard against revenue loss incurred through the vehicles released without payment of fines or improper record taking.

2. The Departments of Water, Energy Forestry and Natural Resources, Public Health and the City Engineering have begun the process of drilling the borehole at the City Inspectorate Training School which was being managed initially by Nairobi Water Company. This is after the City Inspectorate Department instructed Nairobi Water Company to hand over the project in time to the above departments in order to provide sufficient water for use at the Training school.



6.0 RECOMMENDATIONS

Arising from the visits, the Committee urges the Assembly to resolve as follows:

6.1\ City Inspectorate Training School.

1. The Committee and the Inspectorate Department to ensure that the items incorporated in the budget are met to enable them carry out their duties effectively. The Department should incorporate purchase for a mini bus in the coming budget.
2. The management of the training school should immediately organize a cleanup exercise in order to bring the Compound into the required standards to prevent health hazards and other environmental dangers.
3. The Institution should prepare clear terms and reference documents of staff appraisal.
4. The instructors and training personnel should ensure that the Askaris and officers graduating from the school are adequately trained to handle the responsibilities given to them. In addition, the department should consider sourcing the instructors from the Administration Police and other distinguished quarters. Further, the curriculum provided therein should be improved so that the officers can be acquainted with the bill of rights as provided in the

Constitution of Kenya, 2010; County by-laws and general public relations to prevent arbitrary decisions/ actions that negatively affect service delivery.

5. The officers in the Department should be provided with special insurance schemes that would guard against work related accidents. In addition, the Askaris should be paid risk allowances.
6. The Committee recommended urgent refurbishment of the classrooms and the lecture hall and the department to ensure the budgetary allocation for the construction of the classes to be met while the Committee would consider supplementary budget for the same.
7. The machinery for pumping water should be replaced immediately so that it could be a revenue generating activity at the City Inspectorate Training School.
8. The Inspectorate Department to liaise with the Health Department with a view to ensure that the dispensary is facilitated with the required drugs to provide the necessary services to the school.

6.2 The Dog Pound

1. The Executive urgently constructs an access road that is of the required standards.
2. That a policy be formulated on termination of stray dogs caught since they were a burden and that adequate fund be allocated to purchase food for the dogs.
3. The City Inspectorate to ensure that the licensing tags and dog plates for the year 2013 are supplied immediately.
- ~~4. The City Inspectorate Department to ensure that there is continuous supply of~~
detergents and the necessary drugs and vaccines to the dog pound.
5. The school be provided with one vehicle for regular inspection of the households for the purpose of identification of illegal keeping of pets, vaccination of the pets and inspection of streets to catch stray dogs.

6.3 General Stores

1. The staff at the general stores should immediately clean up the compound and ensure the wastes were collected regularly.

