



National Council on the Administration of Justice Special Taskforce on Children Matters

STANDARD OPERATING PROCEDURES for CHILD PROTECTION UNITS



CONTENTS

List of Acronyms	6
Statement of Purpose	7
Application	7
Objectives of these SOPs	7
CHAPTER 1 - PRINCIPLES OF CHILD PROTECTION	9
1.1 The Best Interest of the Child	9
1.2 Child Participation	9
1.2.1 Definition of child participation	9
1.2.2 Principles of Child Participation	9
1.2.3 Child Participation	10
1.3 Equality and Non-Discrimination	11
1.4 Child Survival, Development and Protection	11
CHAPTER 2- CHILD PROTECTION	12
2.1 Child Protection Guidelines	12
2.2 Child Witness Protection	12
2.3 Protection of child victims	13
2.4 Protection of children in Conflict with the Law	13
2.5 Procedure for Complaints at a CPU	13
2.6 General Provisions	14
CHAPTER 3- WHAT IS A POLICE CHILD PROTECTION UNIT	15
3.1 Functions of a Child Protection Unit	15
3.2 Profile and Duties of a CPU Officer	16
3.3 The Role of Police Officers in Child Protection	16
CHAPTER 4 -MANAGEMENT STRUCTURE FOR CPUs	17
4.1 Basic Requirements of a CPU	17
4.2 Specialised Services for CPUs	17
4.3 The Role of Police Officers	18
4.3.1 Police Headquarters	18
4.3.2 Child Protection Unit Level	19
CHAPTER 5 - ADMINISTRATION	20
5.1 Filing and Storage of Information	20
5.2 Confidentiality and Data Management	20
5.3 Administration (Coordination of CPU)	21
5.4 Approved and vetted Committees for CPU	23

CHAPTER 6 - SERVICE DELIVERY	24
6.1 Police Customer Care Guidelines	24
6.2 Who is a CPU Client?	24
6.3 Requirements at a CPU	24
6.4 Services Available at a CPU	24
6.5 Assessment of Children	26
6.6 Procedure of Reception at a CPU	27
6.7 Procedure at Interview	27
6.8 Home Assessment for Integration	29
6.9 Crime Investigation	29
6.10 Other Specialised Investigations	30
CHAPTER 7 - REFERRAL OF CASES	31
7.1 Matters that Warrant Referral	31
7.2 Form of Referral	31
7.3 Referral Process	31
7.4 Community Policing	32
7.5 Diversion	33
7.6 Alternative Family Care	33
7.7 Referral Institutions	34
CHAPTER 8 - HEALTH	35
8.1 Minimum Standards	35
8.2 Children with Special Needs	35
8.3 Death or Serious Injury of a Child in a CPU	35
CHAPTER 9 - HUMAN RESOURCES	37
9.1 General Guidelines	37
9.2 Minimum HR Requirements	37
9.3 Deployment of Officers at a CPU	37
9.3.1 Selection	37
9.3.2 HR Requirements	37
9.4 Continuous Professional Development	38
9.5 Minimum Training Requirements	38
9.5.1 Junior Officers (non commissioned)	38
9.5.2 Senior Officers	38
9.6 Capacity Building	38
9.7 Day-to-Day Administration of a CPU	38
9.8 Staff Welfare	39

CHAPTER 10 - RESOURCES	40
10.1 Internal Human Resources	40
10.2 External resources	40
10.3 Physical Facilities and Resources	40
10.4 Other Resources	41
CHAPTER 11 - PARTNERSHIPS	42
11.1 Working with Children and Child Protection Agencies	42
11.2 Networking	42
CHAPTER 12 - RISK ASSESSMENT GUIDELINES AND DISASTER RISK REDUCTION	44
12.1 Safety / Risk Assessment	44
12.2 Risk Management Guidelines	44
12.3 Physical Structure / Safety of CPUs	45
12.4 Violence at Work	45
12.5 Natural Disaster or Critical Incident Reporting	45
Appendices	46
Appendix 1 - Interviewing Skills & Stages of an Interview	46
Appendix 2 – Initial Contact Form	48
Appendix 3 – Referral Form	49

List of Acronyms

CBO	Community Based Organisation
CCI	Charitable Children's Institution
CPU	Child Protection Unit
FBO	Faith Based Organisation
HR	Human Resource
ICT	Information Communication Technology
OB	Occurrence Book
SCPC	Sub-County Police Commander
WPC	Ward Police Commander

Statement of Purpose

The development of Standards for the operation of Police Child Protection Units is designed to guide Police Officers in their day to day service delivery with regard to children in need of care and protection or in conflict with the law whilst also providing improved professional interaction and access to protective services for vulnerable children. The increase in Police Child Protection Units in Kenya will ensure that children who are presented, or present themselves, at Sub-County and County police stations will receive a more standardised service. The CPUs will prioritise, assess and refer children according to their needs and, to this end, the officers will need to work in partnership with the community.

By providing child protection services within the community, the police officers in the CPUs ensure that children have access to immediate rescue, care and protection, support, guidance and monitoring. The aim of CPUs is to provide a safe and caring environment, separate from adults, for children in conflict and contact with the law who, as a matter of last resort, are held at the police station pending arraignment in court or determination of their cases.

Police Child Protection Units are a key operational component within the wider child protection system in Kenya. By building the capacity of the police to effectively respond to the needs of vulnerable children, the police service can become a core agency and provide leadership in child protection. By establishment of CPUs, the State can ensure that a functional Child rescue and Protection System will register its presence in all communities. Accordingly, the police service and the Children Department, Education and Health Ministries, will be well placed to promote the best practice principles in child protection services.

All matters relating to child protection are a priority. Accordingly, such matters should be handled with the highest attainable standards of professionalism in consultation with partner agencies in appropriate cases. Moreover, the individual needs, welfare and best interest of the child are of paramount consideration. With regard to these operating procedures, all inquiries relating to child protection should be undertaken in a child-centred approach, taking into account the child's views before decisions are made, unless seeking their views places them at greater risk.

These Standard Operating Procedures provide a practical and efficient guide for child protection and investigation of child abuse and neglect, and incidents of children in conflict with the law. They define the procedures, the roles and responsibilities of authorised officers in child protection units who make decisions affecting children, and provide a common basis for all stakeholders on how to identify and uphold the priorities for child protection.

Application

These SOPs apply to –

- a). all CPUs and child protection desks located at police stations or police posts in Kenya; and
- b). all police officers and employees of the police service, whether contracted or permanent, and who have access to or engaged in CPUs.

Objectives of these SOPs

These SOPs are intended to guide child protection services, which vary according to the specific CPUs administered by the police service in collaboration with other State departments and community-based

non-state agencies, The objectives of the SOPs include -

- a). child protection and crime prevention;
- b). referral service to Child and family health services, ranging from post-rape/defilement crisis counselling support, medical examination, evidence gathering for criminal matters, and access to education for children out of school;
- c). youth support projects and Diversion programmes for children in conflict with the law and in need of diversion from the criminal justice system;
- d). the provision of information on alternative care arrangements for vulnerable orphaned or abandoned children;
- e). information and advice on legal services and linkage with available legal aid and education programmes; and
- f). knowledge sharing in relation to support services for sexually abused children, children with disabilities, or children with special educational and/or emotional needs.

For effective use of these SOPs, it is recommended that each CPU keeps and maintains a list of contacts for all community-based organisations engaged in child protection to facilitate emergency response, and to ensure that CPUs do not hold Children overnight except in cases of emergency and absolute necessity.

CHAPTER 1 - **PRINCIPLES OF CHILD PROTECTION**

1.1 **The Best Interest of the Child**

The best interests of the child shall be of primary consideration in all actions and decisions affecting children irrespective of who acts or makes such decisions. To this end, CPUs shall adopt a rights based approach in all aspects of child protection as prescribed in part II of the Children Act with a view of upholding the rights of the child at all times. They shall ensure that children are treated with dignity and that their right to growth and development, survival, identity, protection and participation are respected, and that children with disabilities are given special protection.

In order to determine and prioritise the immediate needs of a child, the officer concerned shall –

- a). assess the background and personal details of the child;
- b). determine the circumstances under which the child came to be at the CPU;
- c). interview the child in a child-friendly environment;
- d). listen to the child's explanation, consider his or her views, and record the child's statement using the child's own words;
- e). consider the care-givers views;
- f). consider the wishes of the child and their opinion in determining the best care or treatment to accord the child, and with whom the child may want to be placed;
- g). have in place a complaints procedure, and explain the procedure to the child in a language that the child understands;
- h). ensure proper data management to enable appropriate interventions;
- i). ensure timely service delivery - delay can cause damage and result in denial of justice, such as loss of childhood or education where the child is unnecessarily held in remand;
- j). classify children according to their age and gender, provide special care for children with disabilities, and ensure that children are separated according to their individual need for care and protection; and
- k). maintain confidentiality of the child's personal details, biographical data, image and records relating to the case.

1.2 **Child Participation**

1.2.1 **Definition of child participation**

Child participation is a process of child development that provides an opportunity for children to access relevant and appropriate information and express their views on the same at all levels, in a conducive environment in accordance with their evolving capacities.

1.2.2 Principles of Child Participation

Actions taken and decisions made at a CPU for the care and protection of children shall be participatory. The child concerned shall be informed of the procedures and accorded full opportunity to express his or her views before such action is taken or decision made. Child participation shall be guided by the following principles:

- a). best interest of the child;
- b). equality of opportunity to air their opinions, wishes and fears;
- c). understanding the importance of, and responsibility for, giving accurate information, and the purpose of that information;
- d). a conducive environment that encourages children to give information;
- e). appropriate information is shared with the child to understand the process;
- f). children shall not be induced or forced to confess;
- g). the freedom of expression and the right to be heard; and
- h). child participation shall be barrier-free – use of child friendly language, and prohibition of presence of persons not concerned with the case.

1.2.3 Child Participation

To ensure full participation of a child in the process –

- a). officers shall explain to the child immediately upon access to the CPU services the whole process of the Justice System, why they are in the CPU, the outcome of the actions taken or decisions made on their behalf or for their benefit, and the progress of their case;
- b). officers at the CPU shall help children to understand the titles and respective roles of the officers involved in their case at the CPU and in court (such as Magistrate, judge, probation officer, prosecutor, children officer, police officers);
- c). the officer at the CPU shall explain to the child the various child protection agencies or officers with whom the child's personal information and that of their case may be shared, and the purpose of sharing that information and, when doing so, They shall obtain and record the views of the child and their parent or guardian on –
 - i). whether any other person may have access to such information, subject to the safeguards set out in section 25 of the Act;
 - ii). the extent of disclosure; and
 - iii). whenever possible, the officers shall safeguard the child from secondary trauma by sharing the information in the presence of the child; and
- d). officers at the CPU shall listen to and take into consideration the child's views and, if a decision is taken contrary to such views –
 - i). record the reasons for the decision;
 - ii). explain to the child the reasons for the decision; and
 - iii). explain to the child the actions to be taken in the process.

In addition to the foregoing, the station commander shall ensure that there is a children's suggestion box ("speak outs") at the CPU. The officer in charge of the CPU shall open this box and explain to the child its purpose, and how the child can make use of the "speak out" facility.

1.3 Equality and Non-Discrimination

To ensure that children are treated with dignity, respect, equality and non-discrimination, officers at a CPU shall, at all times –

- a). treat children with respect regardless of their personal circumstances or the reasons as to why they are there;
- b). protect the children from further abuse within the CPU, including protection from Gender Based Violence;
- c). assess the children and ascertain whether they have any special needs, taking account of their gender and, if necessary, refer them to healthcare facilities for assessment and specialised care;
- d). provide access to games and leisure activities appropriate to the children's age and gender;
- e). respect the children's spiritual values and allow them to freely practise their religion;
- f). treat all children as equals without stereotyping them on the basis of their culture and race, and avoid labelling them on the basis of their culture and ethnicity;
- g). guarantee freedom of expression subject to appropriate guidance – rules on behaviour while at the CPU should be made clear to the child on admission to ensure that they maintain good order;
- h). the infrastructure should be child-friendly and accessible to all, including children with disabilities and mental impairment; and
- i). services in CPUs should be provided to all children without discrimination on any basis.

1.4 Child Survival, Development and Protection

- a). while at the CPU, children shall be provided with a balanced diet appropriate to their age and dietary needs;
- b). in cases of abuse and neglect, malnutrition or disease, officers shall ensure that the child receives any needed medical assistance, and facilitate any further assessment at the CPU with immediate effect;
- c). adequate hygiene and sanitation facilities shall be provided for the children while at the CPU;
- d). there shall be clear ethical child discipline guidelines for staff (for example, children should not be denied food as a disciplinary measure;
- e). there shall be no application of corporal punishment on children within the police station;
- f). officers and all persons involved with children matters at the CPU shall refrain from verbal or emotional abuse;
- g). the safety and security of children at the CPU shall be guaranteed, and station commanders shall ensure that there are, at all times, adequate and serviceable safety emergency response kits, including first aid kits and fire-fighting equipment;
- h). all officers at the CPU shall ensure prompt response to emergencies;

- i). the CPU shall be strictly drug free and non-smoking zone; and
- j). the officers shall ensure adequate and efficient child friendly methods of data collection and evidence gathering so as to minimise trauma to child victims.

CHAPTER 2- **CHILD PROTECTION**

CPUs are mandated, at all times, to take into consideration the best interest of the child.

2.1 **Child Protection Guidelines**

Child protection guidelines are measures or mechanisms put into place to ensure that children in CPUs are protected from further abuse and exploitation. To this end, regard shall be had for the overall needs of the Child. Child Protection guidelines, legal frameworks and strategies ensure that children are protected against all forms of abuse (physical, sexual, psychological and mental), exploitation and discrimination. Children should be able to grow up in circumstances where they are safe and supported, so that they can achieve their optimal potential throughout childhood, teenage and adulthood.

Officers deployed in CPUs shall be trained in child protection, counselling, basic health and conflict resolution strategies. It is important to ensure that police officers who have been trained to manage CPUs are, where reasonably practicable, only transferred to other CPUs in order to make full use of their skills. Such officers should be familiar with the basic rules of good conduct within CPUs. For example, they should all be aware that children held in a CPU should not be subjected to corporal or other humiliating or degrading punishment.

Each CPU shall have Child Protection guidelines on procedures that are clear on how to deal with and protect children from violence, abuse, exploitation and discrimination. In addition, there shall be established response mechanisms and procedures to address such violence or abuse when they occur. CPUs should provide information to guardians on how to prevent and respond to abuse at home and within their community.

Officers deployed at CPUs are mandated to provide advice and sensitise the public on issues relating to child abuse. The officers shall inform children in need of care and protection, child victims, child witness of crime, and children in conflict with the law, how best to prevent abuse and protect themselves from possible abuse. Officers engaged in child protection shall ensure that children are not separated from their family or community, unless such separation is necessary to prevent further abuse, or to protect them from further harm.

Male and female staffing ratios should be considered when deploying police officers in CPUs. Gender sensitivity should be of primary consideration when determining who among the trained officers should be deployed to or head a CPU.

2.2 **Child Witness Protection**

The pillars or international standards for witness protection shall apply to child witnesses. Officers are encouraged to familiarise themselves with the Witness Protection Act and international law relating to witness protection and, in particular, the protection of child witnesses. The officers should inform the DPP or the Court when a child under their charge requires witness protection.

As a general rule, child witness protection should address the following issues:

- a). confidentiality;
- b). security;
- c). accountability; and
- d). compensation or reparation.

2.3 Protection of child victims

Children at the CPU have the right to be protected from further harm or interference, which may affect their ability to report threat of crime or abuse. CPUs are best placed to protect a child victim by use of confidential and private facilities, skilled interviewing and, where necessary, overnight emergency accommodation.

2.4 Protection of children in Conflict with the Law

Every child in the justice system has the right to care and protection because they are especially vulnerable and require professional assistance to navigate the justice system in such a way as to ensure their best interest. To this end, officers deployed at CPUs are required to familiarise themselves with the constitutional guarantees of the right of the child, the international standards for the promotion and protection of the rights of the child, the Children Act and the Rules of procedure and Regulations made thereunder for the administration of juvenile justice. Doing so helps them appreciate the role of CPUs, and their personal responsibility, in child protection services, and in the administration of juvenile justice in the best interest of the child.

Of particular importance are the procedures in Diversion with which all officers engaged in child protection at CPUs should be familiar. Diversion requires that efforts be made to avoid children being held in custody unless absolutely necessary. To this end, officers shall ensure that first time and repeat offenders presented at the CPU are assessed and recommended for Diversion under the various programmes in accordance with the Act and the Rules.

2.5 Procedure for Complaints at a CPU

Every CPU shall have a complaints mechanism. The officer in charge of the CPU shall –

- a). ensure that there is a complaints process in place;
- b). inform the child of the process; and
- c). ensure that officers engaged at the CPU follow the process.

A child who wishes to present a complaint at a CPU may report orally to any of the following persons (if available) who shall record the complaint –

- a). the Officer Commanding Station;
- b). the Children's Officer;
- c). any Police officer;
- d). the Director of Public Prosecutions;
- e). the Court;

- f). a Parent or Guardian;
- g). through the designated Child helpline (116); or
- h). an individual or officer of an agency involved in child welfare, or child protection services at the CPU.

On receiving the complaint (if made to him or her), the officer in charge or other officer deployed at the CPU shall –

- a). interview the child and record the complaint;
- b). investigate the complaint with a view of resolution in the best interest of the child;
- c). take such steps as may be necessary to address the issues raised in the complaint to the child's satisfaction;
- d). record the action taken or decision made and inform the child accordingly; and
- e). if necessary, refer the complaint to the appropriate child protection agency with the consent of the child, his or her parents or guardian; or
- f). in any other case where the complaint is not adequately resolved at the station, escalate the complaint to the sub-county level.

2.6 General Provisions

(1) At the CPU, children in conflict with the law should be housed separately from those in need of care and protection.

(2) The CPU officers shall, in consultation with the child Protection team, put into place measures to ensure that children do not stay in the CPU for an unnecessarily long time and, preferably, for not more than 24 hours.

(3) Disciplinary measures shall be taken for both children and officers to prevent children from being harmed by either fellow children or officers.

(4) Diversion programmes shall be prioritised for children in conflict with the law and who qualify for diversion so as to avoid unnecessary court process and detention.

(5) Advance notice shall be given of cases involving children to the respective courts in good time before presentation to facilitate expedition.

(6) The station commander shall ensure that there is in the CPU a standard form is kept at the CPU containing personal details and information about the child together with the child's photograph to aid in tracking the child and their case.

(7) All officers involved in child protection at the CPU shall observe due process as obligated under the Constitution, the Act and Rules, or as is directed under an order of the Court or diversion programme.

(8) Police officers in the CPU shall be guided by the Standing Orders of the Police Service in their interaction with the children under their charge.

(9) Police officers shall be trained on the basic elements of child protection and, if deployed at CPUs, undertake compulsory professional development in specialised skills designed for officers engaged in the administration of juvenile justice.

CHAPTER 3- **WHAT IS A POLICE CHILD PROTECTION UNIT**



Courtesy: UNICEF Kenya | A Child Protection Unit in Garissa County

A Child Protection Unit is a formalised separate child friendly structure at the police station manned by trained child friendly police officers and equipped for the protection and care of children. This Unit serves as a child holding facility for the shortest time possible (24 hour's maximum) as their cases are being processed. All children's cases that are brought to the police station should be handled at the Child Protection Unit in a professional and effective manner to ensure that the child accesses justice and their needs are met and their rights protected.

3.1 **Functions of a Child Protection Unit**

Officers engaged in child protection and in the administration of juvenile justice need to understand the primary functions of a child protection unit. Briefly stated –

- a). CPUs act as temporary protective holding facilities for children during initial investigation on the circumstances under which they present themselves or are presented at the CPU, which prevents a situation where children are exposed to contact with suspected adult criminals or alleged offenders while at the police stations;
- b). CPUs facilitate the holding of children in contact with the law according to their age, gender and individual needs, and guarantee respect for their privacy and dignity;
- c). CPUs provide a suitable platform for dissemination of information to children on such matters as basic life skills, such as advice and general information on staying safe;

- d). CPUs serve as temporary shelter for lost or abandoned children, such shelter being limited to no more than 24 hours;
- e). the conception of CPUs envisages that the data collected on cases affecting children reported at the police station would be automated for easy reference and sharing among State and non-state agencies involved in child protection and the administration of juvenile justice;
- f). CPUs provide children with a safe and child-friendly environment where they can articulate their problems and discuss the issues affecting them at a private interview conducted by child friendly officers;
- g). CPUs provide an early opportunity for diversion of child offenders from the criminal justice system; and
- h). the Units act as assessment and categorisation agencies where children and their caregivers access other specialised services and referral for specialised attention and support by other child protection agencies.

3.2 Profile and Duties of a CPU Officer

(1) An officer engaged in child protection or in the administration of juvenile justice requires training in Children's Rights, all aspects of child Protection and juvenile justice. Such training enables them to, among other things –

- a). promote the best interest of the child;
- b). apply the law and international best practices to promote and protect the rights of the child and, in particular, to protect the child against domestic violence, child abuse, child labour, child trafficking, crime, and threats to the child's wellbeing; and
- c). promote and protect the child's right to identity by encouraging registration.

(2) Officers stationed at a CPU, or in the course of dealing with children, shall not be dressed in uniform or armed so as to make them easily approachable by children at all times.

3.3 The Role of Police Officers in Child Protection

The role of police officers in child protection and the administration of juvenile justice (regardless of whether they are deployed in CPUs) is –

- a). to protect the lives of children and, while intervening in child abuse or neglect, they take all necessary steps to uphold the welfare of the child, and to ensure that their intervention and decisions taken are in the best interest of the child;
- b). to investigate all reports of child abuse and neglect, and to protect the rights of child victims of crime;
- c). to take appropriate action against child offenders, and to help them to take responsibility by means of diversion or through the juvenile justice system, while safeguarding the welfare of the child;
- d). to take appropriate action against parents, guardians or other persons suspected of child abuse or neglect through the criminal justice system; and
- e). to adopt a proactive multi-agency approach in preventing and reducing child abuse.

CHAPTER 4 -**MANAGEMENT STRUCTURE FOR CPUs**

Depending on the estimated number of children and other persons who access services at the police station or police post, a CPU shall be adequately resourced by such number of officers as is necessary to guarantee efficient service delivery. The SCPC shall ensure that the CPU is fully operational, and that child protection services are accessible within the sub-county or division.

4.1 **Basic Requirements of a CPU**

All CPUs shall have –

- (a) a clear management and staffing structure clearly set out on an organogram containing clear information on lines of responsibility;
- (b) clear and understandable staff roles and responsibilities, chains of command and reporting structures set out on the organogram; and
- (c) a programme to induct newly recruited staff to make them understand –
 - i). the personnel and management structure of the CPU;
 - ii). appreciate their respective roles and responsibilities; and
 - iii). the partner agencies with whom the CPU collaborates in child protection service delivery, diversion programmes, and in the administration of juvenile justice.

In addition to the foregoing, CPUs shall be managed professionally with a national outlook, and shall be guided by the principle of equality and non-discrimination on the basis of social, cultural, religious, ethnic or other considerations. Officers involved in child protection and the administration of juvenile justice shall ensure that their decisions and services are –

- (a) age and gender sensitive; and
- (b) in the best interest of the child.

4.2 **Specialised Services for CPUs**

In addition to the administrative structure set out in the Organogram, the structure of a CPU shall have linkages to professional service providers, including –

- a). hospitals with gender violence recovery services with a duly qualified Medical Officer of Health available to –
 - i). attend to children and provide medical care and treatment;
 - ii). conduct age assessment and complete the requisite documentation; and
 - iii). whenever required, attend court to testify;

- b). sub-County, county and National Hospitals that provide mental health services as need arises;
- c). legal aid service providers – under the national legal aid scheme, pro-bono child advocates, Law Society of Kenya, and other State and non-state agencies that provide legal aid services for the promotion and protection of the rights of the child;
- d). experts in information Communication Technology - to deal with matters relating to cybercrime and cyber abuse against children;
- e). places of safety, including registered Charitable Children's Institutions and children rescue centres;
- f). State Departments, ministries and agencies involved in child protection, including the Department of Children Services, the Department of Probation and Aftercare Services, the Ministry of Education, the Ministry of Labour, the Ministry of Health, the Ministry of Justice, County Commissioners, and the Tourist police unit;
- g). non-state agencies committed to child protection and child welfare services (public benefit organisations), including Faith Based Organisations, Non-governmental organisations, and community-based organisations;
- h). professional Counselling services from registered institutions and psychologists/counsellors;
- i). expert technical advisors in, among other matters, child trafficking, cybercrime against children, child protection, and legal experts in prosecutorial services; and
- j). service providers who support children with special needs, including children with hearing and sight impairment, developmental and learning disabilities, physical and mental disabilities.

4.3 The Role of Police Officers

The roles and Responsibilities of CPU officers:

- a). the WPC oversees all cases that come to the attention of a CPU and ensures that proper procedures and interventions are undertaken efficiently, and in the best interest of the child;
- b). senior officers shall ensure that there is no duplication of efforts in intervention by different agencies; and
- c). give directions in accord with national legislation.

Police officers play a critical role and, more often than not, take the lead in the multiagency initiatives towards child protection and the administration of juvenile justice.

4.3.1 Police Headquarters

The Director for Community Policing, Gender Issues and Child Protection -

- a). represents the police service in National Council for Children Services established under the Children Act;
- b). oversees and monitors the formulation and implementation of the requisite policies for child protection within the Service and CPUs;
- c). is obligated to train and administer a continuous professional development programme for police officers in matters relating to child protection;

- d). Is the overall liaison officer with other specialised or technical agencies for child protection;
- e). provide specialist support for investigation, prosecution, and other functions of the police service so as to ensure the highest level of service delivery, child protection and juvenile justice; and
- f). oversees the requisition for logistical support for CPUs, including materials, equipment and facilities required for the proper administration of CPUs.

Officer Commanding Station:

- a). accountable for the overall administration of the Station , including the CPU;
- b). coordinates the referral process at the CPU;
- c). nominates officers for training and capacity building;
- d). shall be accountable for safety and security of the children at the CPU;
- e). coordinates logistical issues at the Station;
- f). oversees the implementation of the national police child protection policy;
- g). ensures that court documents for charge and prosecution of a child are properly prepared; and
- h). facilitates the reintegration of children with their family and community.

4.3.2 Child Protection Unit Level

Non Commissioned Officers

Initiate re

- a). supervises the day-to-day administration of the CPU;
- b). provides guidance to staff at the CPU;
- c). handles complaints arising within the CPU in the first instance before escalation to the WPC;
- d). reports to WPC on the activities of the CPU (update); and
- e). like any other officer, attends to duty at the CPU.

Other Officers attached to the CPU:

- a). receive reports on child offenders, and investigate cases of child abuse or neglect;
- b). prepare requisite documentation for prosecution;
- c). support the prosecution in court proceedings;
- d). carry out all police service duties assigned to them;
- e). supports reintegration of children to their families and community;
- f). assist in counselling children at the CPU;
- g). ensure that proper records are maintained;
- h). create awareness on children rights;
- i). ensure proper data management at the CPU; and
- j). respond to emergencies at the CPU

CHAPTER 5 - ADMINISTRATION

A national committee should be formed to oversee the operations of the Child Protection Teams in the discharge of their functions.

5.1 Filing and Storage of Information

Documents

- a). initial contact documentation shall be maintained to record a child's particulars, case details, a child's needs and the officer's recommendations;
- b). Occurrence Book;
- c). CPU Register – this should capture child's bio data and image, circumstances and background of the child, case management records, including disposal method;
- d). Medical Report duly completed by a Medical Officer of Health (in Form P3);
- e). behaviour commitment register;
- f). lost & found children's register;
- g). investigation notes;
- h). court documents, including bonds;
- i). returns form/records;
- j). referral form to Children's officer, CBO, court and to any other partner, and committal Orders or criminal matters to be made clear on the referral forms;
- k). feedback process –Registers or forms should record action taken and by whom;
- l). completed referral forms and follow up process forms should be kept in the child's case file;
- m). directory of service providers/networks - each Unit shall keep and maintain an Internal directory of available Sub-County services;
- n). CPU visitors' log book;
- o). central data system managed at national level – to include a nationally integrated information system for juvenile justice;
- p). database of child sex offenders for reference by CPU officers (refer to Sexual Offences Act 2006 S.34);
- q). CPU equipment log; and
- r). police cell register for child offenders held in the CPU.

The foregoing records and documents are confidential, and shall be securely kept in lockable cabinets with restricted access.

5.2 Confidentiality and Data Management

Officers at a CPU shall observe confidentiality in all aspects of their service, particularly with regard to records of assessment, documentation, and interviews, as well as in sharing of information.

All officers are required to familiarise themselves with the different categories of document accessibility - Restricted access to documents, open documents and confidential documents. Statutory provisions on data protection and access to records or information maintained at a CPU, and the procedure for such access, strictly apply.

All information shall be stored in soft copy in secure password-protected computers accessible only by authorised officers. Data generated in CPUs by police officers shall, in appropriate cases, feed into the integrated national information management system. This shared information shall be subject to stringent accessibility protocols, and all officers shall familiarise themselves with the different categories of information and levels of accessibility.

Members of the public may access information at a CPU either with the approval of the officer in charge of the CPU, or by an order of the court of competent jurisdiction, subject to reasonable justification being shown to the satisfaction of the officer or of the court for such access.

Personal details of the officer handling a child's case shall be properly documented. Where the officer is transferred, he or she shall ensure proper handing over. The personal details of the incoming officer who takes over the case shall be documented.

The procedure for file movement within the CPU and the police service in general shall be properly documented. To facilitate proper documentation -

- a). documents shall be properly numbered and serialised;
- b). an officer shall be designated to ensure that proper file management (registry, recording and monitoring of information) is maintained in the CPU; and
- c). all officers shall be trained in records management.

The biographical data and the photograph of a child shall be held in confidence with the exception of lost and found children whose image and description may be circulated in print media for the purposes of tracing.

The rule of *sub judis* applies to ongoing cases involving children. The details of such cases may only be shared by the parties, such as the prosecutor, advocates for the defence, parent or guardian of the child. Officers should always remember that sharing information with the media could jeopardise the outcome of a child's case.

A CPU visitor's log in register should be introduced for visitors to include name, purpose of visit, address, time in/out and ID number. This will help monitor persons accessing the CPU.

5.3 Administration (Coordination of CPU)

The proper administration and co-ordination of CPU functions is essential to efficient provision of services and management of resources. Communication lines and complaint mechanisms should be clear to all staff and users of the CPU. In addition, the children accessing services at the CPU must be guaranteed of their security and protection of their integrity and dignity. The child's information shall not be shared

unless on need basis, and the identity of the child shall be protected to avoid further or secondary abuse. Proper data management is critical to gauge crime trends and hot spots. All CPUs shall ensure that proper and full consent is sort before a child's information is released to a third party, and that a senior or supervising officer also sanctions this as a fit and proper action. Doing so prevents unnecessary release of confidential or sensitive information.

Communication

With regard to communication, all officers at a CPU shall ensure that –

- a). communication channels including verbal, written and broadcast are clearly understood by all;
- b). Communication equipment and facilities are in place at the CPU; and
- c). CPU and main station must be in constant communication to ensure co-ordination and synchronisation of services.

File Management/Information Classification

To ensure proper data and records management –

- a). data desegregation shall be carried out by gender, age, family background, and by the use of the child profile;
- b). information regarding the outcome of a case, the referrals and follow-up shall be clearly recorded;
- c). files of individual children accessing services at a CPU shall contain investigation notes, social enquiry reports, court documents, and referral documents;
- d). individual files relating to the welfare or protection of a child, shall be properly kept and maintained;
- e). all CPUs shall use standard forms and registers in all CPUs for harmonisation and ease of data analysis;
- f). movement of files shall be restricted and monitored, and the information therein kept confidential regardless of their categorisation as secret or open;
- g). file identity and serialisation to be used to aid tracking or movement of documents; and
- h). the child's name should not appear on the outer parts of their file.

Access to Records

- a). access to records shall be restricted;
- b). a child's image and bio data shall be protected in accordance with the confidentiality policy to avoid secondary abuse;
- c). persons accessing a child's case records shall be vetted, and only allowed upon justification for the access or use of such information;
- d). officers at CPUs shall strictly observe the rules requiring the consent of the child, parent or guardian before sharing information relating to the child with non police officers;
- e). file movement shall be tracked by written record of handovers; and
- f). CPUs shall ensure that rules governing the sharing of information to feed into the integrated

national information management system are in place and sanctioned by Headquarters.

Policies

Internal policies shall be reviewed and aligned to national police policies

Finances and Resources (refer to chapter on resources)

Officers at the CPU shall ensure proper management of resources, including stocktaking and tracking of inventory, replacing, repairing and restocking of equipment, all facilities and materials.

Complaint Procedures

Current police complaint procedures apply to all complaints against police Officers. Complaints by children at the CPU against another child or any other person shall be handled at the Station level, and in conjunction with the WPC

Information Sharing

Disclosure of information, which would normally be in breach of the right to privacy guaranteed under the Constitution and the Children Act, may be justified for the purposes of child protection, provided the sharing of the information is justified, necessary and proportionate to the circumstances of the case.

All professionals and agencies have a responsibility to share information promptly in order to ensure a child's wellbeing. If there is reasonable concern that a child may be at risk of harm, then this will always override any professional or agency requirement to keep information confidential.

The police, like other professionals, are required to share all relevant information in their possession, which is pertinent to the child protection concern under discussion. This includes information relating to previous convictions and intelligence.

Information sharing with partners is crucial in child protection. However, care must be exercised with intelligence. Generally speaking only summaries of intelligence should be shared. Care must be taken to ensure that such disclosure does not compromise any ongoing police investigation and that the identity of the source of the intelligence remains protected.

Information sharing with other agencies for the purpose of referral shall be on a need-to-know basis, with the informed consent of the child, parent or caregiver, and limited to information required to provide services and facilitate protection of the child.

5.4 Approved and vetted Committees for CPU

- a). core multi-agency Child Protection Team shall comprise of SCPCs, WPC, CPU officers, Medical Officers of Health, Children Officers, Magistrates, Probation officers, Social Workers, and Non-state actors (such as Public Benefit Organisations, CCIs, CBOs, FBOs, legal counsel, and corporate entities);
- b). CPUs are encouraged to utilise existing child protection systems, such as the County or Sub-County Advisory Committees of which the SCPC is a member, or Court User Committees concerned with issues of children; and
- c). the WPC should also convene meetings with CPU officers to support their work and provide opportunity for debriefing and joint case management. These staff meetings would also provide a forum for staff self appraisal and stress management (self-care on occupational health issues).

CPUs may form subcommittees to address specific issues relating to child protection and juvenile justice.

CHAPTER 6 - **SERVICE DELIVERY**

6.1 **Police Customer Care Guidelines**

Officers deployed at CPUs shall take all necessary steps to –

- a). uphold integrity and act with courtesy at all times;
- b). act fairly and firmly in all undertakings with clients;
- c). cultivate and maintain partnership with all stakeholders;
- d). (be gender sensitive;
- e). meet the expectations of clients;
- f). be pro-active and responsive in the discharge of duties; and
- g). promote protect and respect the human rights of their clients.

6.2 **Who is a CPU Client?**

The following are considered as clients of a CPU:

- a). a child who lodges a complaint of abuse against any person;
- b). a person who provides information or lodges a complaint against a child, including a relative, a neighbour, a teacher, a parent or guardian, or other caregiver;
- c). a child offender presented at the CPU by members of the public, or apprehended by law enforcement officers;
- d). children exposed to or engaged in pornographic activities, child prostitution or child labour; and
- e). children in need of care and protection as envisaged in the Children Act.

6.3 **Requirements at a CPU**

- a). measures should be put in place to ensure children do not remain in the CPU for a period exceeding 24 hours;
- b). children at a CPU should be supervised by trained officers 24 hours; and
- c). assessments shall be carried out in respect of each child to ensure that the services are delivered in the best interest of the child, and meet their individual needs.

6.4 **Services Available at a CPU**

The services provided at a CPU include –

- a). reception of cases directly or by referral;
- b). record keeping and data management;
- c). assessment of children;
- d). investigation of crimes and incidents of children in contact with the law;

- e). other specialised investigations;
- f). investigation of cases involving children in need of care and protection or in conflict with the law;
- g). therapeutic and safety support;
- h). child /witness and prosecution support;
- i). evidence collection and preservation of evidence;
- j). feeding of the child while in the CPU – as appropriate to the age and needs of the child;
- k). provision of sanitation and hygiene services, including soap, running water, clothing, and beddings;
- l). where ascertainable, informing the parent or guardian of a child that the child is being held or has been presented at the CPU;
- m). interviewing the child using appropriate and child friendly methods;
- n). assessment of the case to determine appropriate way forward;
- o). consultation with relevant agencies and superiors to map appropriate way forward;
- p). referral of children to specialised agencies in accordance with the needs of the child – health and medical facilities, legal aid, education, court (within 24 hrs), children department for rescue, CCIs, Public Benefit Organisations, counselling institutions;
- q). child witness and prosecution support, including –
 - i). preparation of court documents, including charge sheets and statements;
 - ii). ensuring that officers attend court hearings and mentions without fail;
 - iii). ensuring that prosecution witnesses are bonded and attend court for hearing and mentions;
 - iv). preparing children for court attendance, including explaining to them the court process and the various titles of the officers of the court involved in the proceedings;
 - v). guaranteeing child witness protection by placement in places of safety;
 - vi). using child-friendly language when engaging with children;
- r). implementing the Diversion programme in collaboration with Diversion Core Teams, including probation officers, the children’s department, judicial officers, county governments, and non-state agencies involved in child protection and juvenile justice;
- s). production of suspects/accused persons (child abusers) and child offenders in court;
- t). awareness creation on issues of child protection through public forums, provision of information, communication and education materials;
- u). provision of recreational facilities for the children in CPU including toys, audio-visual equipment, games, books and other recreational activities;
- v). provision of play therapy for children to aid in assessment and interviewing;
- w). in-house counselling by social worker; and
- x). keep and maintain a standard first aid kit

- a). The assessment of a child at a CPU is intended to ascertain the circumstances under which the child came to be at the CPU.
- b). The assessment tool shall be suitably designed to capture –
 - i). the child's Profile - the personal information;
 - ii). family Background - for the purposes of tracing or reintegration;
 - iii). child categorisation - type of vulnerability to which the child is subject, and the circumstances under which the child came to be at the CPU;
 - iv). observations during the Interview;
 - v). summary of findings after the Interview;
- c). referral for home assessment shall be undertaken to facilitate reintegration, and to help children feel secure;
- d). investigation of offences by child offenders – to be carried out expeditiously;
- e). other agencies involved in child protection or juvenile justice (as the case may be) to be involved in the assessment;
- f). strict timelines shall be observed when sharing information to avoid undue delay or inaction;
- g). empowerment of officers on issues of cyber crime – investigation procedures to be done at police station level;
- h). assessment services shall be at no cost to the child, parent or guardian, and shall be available for medical documentation processes; and
- i). first aid and health screening shall be available at the CPU.

Assessment and Interview setting

- a). venue: the assessment or interview room shall be child-friendly, small, safe and comfortable;
- b). the pace of the interview and time shall be dictated by the needs of the child, and not that of adults, and shall be conducted in a child-friendly language;
- c). the assessor shall use innovative ways, including the use of art or games;
- d). abused children should be attended to within 12 hours;
- e). children shall be held at the CPU for a maximum of 24 hours;
- f). a child with special needs shall be handled with due care and attention, having regard for their special needs;
- g). referral mechanisms shall be applied for health needs; and
- h). core diversion teams at the CPU shall involve the services of a health practitioner, especially where the child is an offender.

Assessment

The following factors shall be considered when determining whether or not a particular instance of punishment or chastisement constitutes an assault on a child –

- a). the nature of the punishment, the reason for it, and the circumstances under which it was inflicted;
- b). the duration and frequency;

- c). the effect of the punishment (physical or psychological) on the child;
- d). the child's personal characteristics (including their health condition and gender) at the time of punishment; and
- e). the child's age.

CPUs shall develop effective linkages and referral processes with the local medical facilities that would be able to, as a matter of urgency, attend to children who are dealt with at the CPU.

At the health facility –

- a). mental and age assessment shall be carried out by a medical officer;
- b). the child shall be accompanied by a police officer , a children officer, a parent or guardian of the child;
- c). after the assessment, a detailed medical assessment report shall be prepared and shared with the CPU;
- d). the child shall be accorded such medical attention and treatment as may be required ;
- e). the medical officer shall be alert to the fact that there might be need for referral of the child to other service providers, such as psychiatrists, counsellors, or legal practitioners;
- f). all officers concerned shall, at all times, ensure the safety of the child;
- g). children with special needs, such as learning , visual or hearing impairment, shall be accorded the necessary support to facilitate effective communication, including the engagement of experts and the provision of appropriate communication tools to enable them understand the processes of their engagement with the CPU;
- h). children with mental health problems shall be referred to appropriate mental health facilities or other specialised agencies for care and attention, and shall not be held together with other children in the CPUs; and
- i). Infants in need of care and protection shall be referred to a medical facility or to a Charitable Children's Institution pending further orders of the Court.

6.6 Procedure of Reception at a CPU

(1) Cases presented at a CPU shall be recorded in the Occurrence Book.

(2) The register kept and maintained at the CPU shall be completed, and the initial contact or intake form (*Appendix II*) shall contain the following particulars:

- a). bio data (i.e., the child's name, age, gender, home county, sub-county, estate or village;
- b). the circumstances under which the child presented at the CPU;
- c). parent/guardian consent to proceed with interview; and
- d). personal history taking – summary of the account of the child.

6.7 Procedure at Interview

(Guidelines for the interviewing officer)

- a). introduce yourself and create rapport;
- b). ask for permission to speak to the child, or questioning for further information, using such questions as –
 - i). What happened?
 - ii). How did it happen?
 - iii). How often?
 - iv). When did it occur?
 - v). Where did it happen?
 - vi). Were other adults or children involved?
 - vii). Did any other person see/hear or know of what happened?
- c). revise the questioning to be child friendly;
- d). signs and symptoms (Health Checklist) –
 - i). are you feeling pain? Where?
 - ii). look for bruises, bleeding or injury on the child's body;
 - iii). look out for burn marks and administer first aid at the CPU;
 - iv). observe the general physical appearance, such as a running nose, fatigue;
 - v). general dressing and appearance of the child;
 - vi). take note of any Vomiting, drowsiness, (un)consciousness as a sign of Ingestion of drugs and intoxicating substances).

NB: consideration must be given as to how a CPU officer can handle a child with disability to aid in communication.

- e). closing of the interview - explain the next steps in the process;
- f). ensure that minimum standards of care and protection are met;
- g). referral to hospital for mental and age assessment or treatment;
- h). if referred, the child shall be accompanied by a police officer, a children officer, a parent or guardian;
- i). ensure safety of the child at all times within the CPU and at referral; and
- j). experts should be involved when handling Children with special needs, such as children with hearing or visual impairment, or children with mental disability.

Last Minute Confidences: It is common for people to say at the very end of an interview something that is very important to them, but is difficult to talk about. They want you to know, but at the same time want to suggest that it is not really important. Give time at the end of the interview with the child and family members for additional information sharing.

The officer conducting the interview shall record full details of the nature of the concern raised, and all actions taken in response to the incident. For more on conducting the interview, see Appendix I.



An example of a child friendly interview room

6.8 Home Assessment for Integration

A full assessment of the child's home and its suitability for reintegration shall be completed by the Sub County Children's Officer or social worker, and a meeting convened to allow for all relevant information to be shared with the police officers.

6.9 Crime Investigation

Officers deployed at a CPU are required to be familiar with the types of cases they are mandated to handle. These include cases that constitute a recognisable offence by or against a child under the penal laws, including the Penal Code, the Children Act, the Employment Act, and statutory offences under any written law that prescribe offences against children. The CPU officers should investigate and charge appropriately with accurate citation of the appropriate statute law for the time being in force.

CPUs take primary responsibility, under the direction of the WPC, for investigating crimes relating to child abuse. The terms of reference include, as a minimum, criminal investigation into the following offences:

- a). crimes against children as prescribed by statute law, including The Children Act, the Sexual Offences Act, the Penal Code, the Criminal Law Amendment Acts, as well as other applicable Statutes (such as the Employment Act and the Basic Education Act);
- b). crimes committed against a child within the family or extended family;
- c). crimes against a child in foster care, rescue centre, residential or institutional care;
- d). crimes against children under the care of an individual caregiver or professional entrusted with their care and protection whether voluntarily or in discharge of duty at the time of the offence (such as teachers, caregivers or healthcare professionals);
- e). crimes by child offenders either on their own or jointly with others, including adults or other children;
- f). crimes complained of by a child against another, or by an adult whether known to the child or not;

- g). crimes complained of by a child against a Registered Sex Offender;
- h). cybercrimes against children; and
- i). historical or institutional child abuse complained of by an adult, but where the complainant was a child at the time of the offence.

To facilitate effective care and protection of vulnerable children, the CPU shall be responsible for providing 24-hour specialist support for abused children. To this end, there shall be an officer on duty or on call at the CPU at all times.

6.10 Other Specialised Investigations

The general function of a CPU is to undertake and facilitate investigation of child abuse within its jurisdiction. In so doing, the officers at the CPU shall provide advisory and referral services to meet the individual needs of the child.

All cases presented at the CPU shall be brought to the attention of the WPC for collaborative approach and intervention, including –

- a). cases involving death, grievous bodily harm or sexual assault of a child;
- b). cases where there is high possibility of death of a child due to neglect or abuse;
- c). cases involving a family member who is known to be a repeat or high-risk victim or perpetrator of domestic violence;
- d). cases involving multiple child victims or offenders;
- e). cases involving children, and which may attract media attention;
- f). cases involving a member of a Police officer's family; and
- g). cases involving children perpetrated by means of ICT, including cyber crime.

Upon receipt of a report or complaint, the WPC shall forthwith convene a case conference to strategise on the course of action and investigation on the matter.

CHAPTER 7 - REFERRAL OF CASES

7.1 Matters that Warrant Referral

Every CPU shall have a clear referral system that clearly guides its officers on the process of referral of cases that cannot be exhaustively dealt with at the CPU. The referral process shall be easy to understand and apply, and shall highlight the steps to be taken right from the time a complaint is registered at the CPU up to the time the matter is placed in the hands of the agency to which the matter is referred. The referral contemplated in this chapter may be for the purposes of any of the following services:

- a). legal aid;
- b). medical attention or healthcare;
- c). education;
- d). counselling or psychosocial support; and
- e). temporary emergency placement (alternative place of safety or family care).

7.2 Form of Referral

Referral of a child shall be in the prescribed form, which officers at the CPU shall be familiar with. In addition –

- a). the referral shall be by means of the standard initial contact form (*Appendix II*), which shall include all bio-data and background information on the child and the circumstances under which the child came to be at the CPU;
- b). the CPU register shall include all information on the case, including the procedure for disposal and follow-up;
- c). the Occurrence Book constitutes the central data system containing the data captured at the CPU and relayed to the police headquarters' central data management system;
- d). the referral form is set out in *Appendix III*; and
- e). the referral agency shall give feedback within the period specified in the referral form/letter.

7.3 Referral Process

All Officers working with children at a CPU are required to familiarise themselves with, and use, the appropriate referral process. The process begins with the investigating officer who, after the initial investigation and assessment of the child, shall make recommendations on the course of action to be taken. The Officer shall complete the OB and initial contact form, which is to be forwarded to the WPC for approval and referral. The WPC is responsible for ensuring that an appropriate response has been obtained, and that proper decisions and actions are taken having regard to the nature of the case.

In cases of emergency, though, action may be taken prior to investigation or interview. In such cases, it is imperative that all decisions made and actions taken are reasonable and justified by the circumstances of the case, and recorded.

The following steps shall be taken in each case:

- a). each case shall be reported and recorded in the station's Occurrence Book;
- b). documentation at the CPU –entries to be made in the initial contact form and CPU register;
- c). assessment report to be made with final signature from the WPC or their nominee;
- d). referral form to be completed and signed by the WPC or their nominee;
- e). feedback form (which shall be time bound) to be completed and sent to the referral agency at the point of referral;
- f). supervision of the case progress by the CPU officers until completion of the referral process; and
- g). the child, the child's parent or guardian to be informed of the referral process or the treatment plan, as the case may be.

The process may be summarised in the table below:

	Process	Officer	Resources
1.	Case receiving and recording	CPU officers	OB, CPU register
2.	Rescue the child or apprehend the child offender	CPU officers, WPC	Transport, County Commissioners, Community/ General Public
3.	Assess needs of the child	CPU Officers	WPC, Professionals, community, County Commissioners, Children's Officer
4.	Investigate circumstances of case	Investigating Officer	Legal instruments, witness's
5.	Proper documentation (O.B, CPU Register, Charge Sheet, Cells Register, P3, Committal Warrant, Medical Reports, Referral Letter.	Investigating officer, WPC, CPU Officers	Court, Medical Officer of Health, Referral agencies, Prosecutor, Legal Experts, child advocate. Children's Officers
6.	Consultation with child, referral agency and parent/guardian	WPC, CPU Officers	Child accessing CPU services, referral agency, parent/guardian
7.	Referral	WPC, CPU Officers	Transportation, referral agency
8.	Follow up/feedback	WPC, CPU Officers	Referral agency, social workers, documents.

7.4 Community Policing

Community policing may be described as “a collaborative effort by the police and the community that identifies problems of crime and disorder, and involves all elements of the community in the search for a solution of these problems. This approach to policing is based on the awareness that the police alone cannot control crime, but require the active support of the community, to prevent, detect crime, reduce fear and crime and improve communication between the community and the police.”

The proposed partnership structure for community policing in the current National Policy on Community Policing draft outlines the relationship between and across community members and the law enforcement agencies. The partnership is built on community policing committees established at every level of the

community (Block, Village/Zone, Sub Location/, Location, Police Station and Division Community Policing committees) with membership drawn from the community, law enforcement agencies and other stakeholders. The activities of the committees are required to be integrated into the existing security management system so that the achievement of government safety and security is viewed holistically.

The Child Protection Team proposed in these standards may be drawn from the proposed community policing structures to support the police officers administering the CPUs and to carry out the diversion process.

7.5 Diversion

Diversion refers to the process of dealing with child offenders without resorting to formal trial by competent judicial authorities under the criminal justice system. The children are directed to community-based alternatives to dealing with them. The child offenders are required to satisfy the specified criterion in order to qualify for diversion in accordance with the Children Act and Rules. For instance, the offence complained of must not be a serious offence, and the child must not be a repeat offender, and must admit responsibility for the offence. The general circumstances leading to the offence are taken into consideration in determining the level and nature of diversion to be adopted.

For effective implementation of diversion programmes, the police have to work in collaboration with Child Protection officers and agencies engaged in Diversion, who coordinate to determine the most suitable diversion measure for the particular child, having regard to the circumstances of the case.

Community policing and Diversion programmes are critical to rehabilitative, preventive and wider support mechanisms for child protection. As a model of community Intervention, diversion plays a crucial role in child protection and rehabilitation.

7.6 Alternative Family Care

Where a CPU considers it necessary to accommodate a child overnight, the officers shall contact the Department of Children's Services. Working in partnership with the Children's Department ensures identification of, and referral to, alternative family or other emergency care. Such a decision may be made only after careful consideration of all available options. Consideration shall be given to the likely impact on the child, weighed against the risk at hand.

A distinction must be drawn between removing a child to a place of safety and voluntarily placing them, temporarily, with alternative carers. In instances where children are left unattended, or where their parent or guardian is found drunk and incapable of looking after them, or is arrested, it may be necessary to place the child in the temporary care of a family member, friend, neighbour or some other suitable person, rather than invoking statutory measures under the Children Act, 2020. This is less likely to cause distress to the child or children.

All efforts should be made to identify a family based care option, such as relatives or foster caregivers, and should be based on the child's best interest. Only if it has not been possible to identify a family based option, should institutional care be considered.

Where the child is able to understand, and it is considered appropriate to do so, the child should be informed of the reasons for the alternative care being taken, and of any further steps that may be taken to ensure their continued protection.

7.7 Referral Institutions

No.	Criteria	Agency
1.	Medical Attention	Ministry Of Health, Gender Violence Recovery Centres (e.g. Nairobi Women's Hospital and all County government Hospitals)
2.	Witness Protection	Place of safety (e.g. hospital, alternative family care, in accordance with the Placement Orders of the Court)
3.	Mental Health	Specialised institutions Sub-County, County and National Hospitals, Psychiatrists, registered counsellors
4.	Specialised needs	Specialised institutions- (a) hearing and speech impairment; (b) visual impairment; (c) physical disability; and (d) institutions caring for children with mental disability
5.	Child Protection by government agencies	Police, Ministry of Justice, Department of Children Services, Department of Probation and Aftercare, Ministry of Health, Ministry of Gender, Children and Social Development, Ministry of Education, Ministry of Labour, County Commissioners, Sub-County Advisory Committee formed under the Children Act
6.	Non-State actors	Public Benefit Organisations, Faith Based, community based organisations, Pro-bono lawyers, Corporate entities, friends of the police (community policing structures)
7.	Drug rehabilitation	Specialised institutions or Ministry Of Health
8.	Professional counselling	Psychologists, Counsellors registered with the National Counselling Association, specialised agencies
9.	Education	Ministry Of Education, County Government, Schools, Ministry of Youth Affairs
10.	Court Orders	As the Court directs /Probation Supervision
11.	Neglected, abandoned, lost	Department of Children Services/alternative family care
12.	Legal Aid	Ministry Of Justice, National Legal Aid Service, Public Benefit Organisations, Pro-bono Lawyers, Law Society of Kenya

CHAPTER 8 - **HEALTH**

The need for a child to receive immediate medical attention shall take precedence over the requirement to investigate the case without delay.

Children shall be attended by healthcare and medical professionals in all cases where it is evident that they have injuries, are bleeding or are alleged to have been victims of sexual abuse or defilement. Due consideration shall be given to the preservation of forensic evidence that may be lost within 72 hours after sexual activity, but the need to collect or preserve evidence should not override the immediate needs of the child, which are always of paramount consideration. Immediate arrangements shall be made for photographic evidence to be obtained at the same time as a medical examination so as to prevent further trauma to the child.

Police officers are required to brief medical officers before commencement of the examination, providing them with details concerning the nature of the allegations and disclosure made by the child. Relevant background information on the child, the family and previous allegations of abuse or suspected abuse shall also be disclosed.

Healthcare and medical Services required by children referred from CPUs shall be provided at no cost to the child, parents or guardian, and the related medical reports and documents shall be provided free of charge.

8.1 **Minimum Standards**

Every CPU shall maintain the following minimum standards:

- a). basic sanitation;
- b). first aid equipment;
- c). a doctor and nurse on call; and
- d). adequate food appropriate to the age and nutritional needs of the individual children.

8.2 **Children with Special Needs**

Children with health problems and physical or mental health problems shall be referred to appropriate healthcare facilities, or to other specialised agencies for care and assessment. Police officers shall be accorded necessary support by specialists when interviewing children with special needs.

Infants presented at a CPU shall be taken to a medical facility or to alternative care on the written recommendation of a children's officer.

8.3 **Death or Serious Injury of a Child in a CPU**

In the event of a child's death or serious injury in a CPU:

- a). the officer in charge shall report the injury or death to the senior Commanding Officer with immediate effect and take the child to the nearest hospital;
- b). the officer shall notify the child's parents or guardian (if known), the Sub-County Children's Officer or Director of Children Services;
- c). the death shall be notified in the prescribed form completed under the supervision of a health professional;
- d). a Post-Mortem examination shall be carried out with the consent of the child's next of kin (if traceable) or with the authority of the officer in charge of the CPU in consultation with the Department of Children Services; and
- e). members of the deceased child's family, including their siblings, shall be referred to grief counselling support services.

CHAPTER 9 - HUMAN RESOURCES

9.1 General Guidelines

- a). all staff employed shall sign and subscribe to the Staff Code of Conduct;
- b). the Staff engaged at a CPU shall undergo induction on CPU policies on the rights of the child, practice and procedure in juvenile justice, and first aid;
- c). staff at a CPU are required to familiarise themselves with the Child Protection Policy; and
- d). the recruitment of volunteers at a CPU shall be carried out with the authority of the Police headquarters, and in accordance with the relevant national policies.

9.2 Minimum HR Requirements

Staff at a CPU shall be trained in child protection, basic counselling, and basic rights of the child.

Staff Complements at the Unit:

All CPUs shall have male and female officers who are well trained in Child Protection. The staff shall include –

- a). a senior Officer (in the rank of Inspector and above);
- b). adequate staff to operate the Unit on a twenty-four hour basis;
- c). co-opted service providers and volunteers, including legal aid providers, psychosocial support service providers, and Social Workers; and
- d). adequate support staff to prepare and provide food for the children.

Police officers deployed at a CPU shall not be uniformed or armed while on duty at the Unit. They shall at all times conduct themselves in a child-friendly manner.

9.3 Deployment of Officers at a CPU

9.3.1 Selection

Officers deployed at a CPU shall be assigned to the post based on their qualifications, attitude towards children, and commitment to work in child protection. Such officers shall be persons of high integrity with demonstrable dedication to child welfare.

The vetting and periodic appraisal of such officers shall take account of –

- a). complaints or investigation into their professional conduct;
- b). occupational health issues (if any); and
- c). court orders or other administrative restrictions relating to contact with children.

9.3.2 HR Requirements

- a). the Standing Orders of the police service apply;
- b). support staff shall be sensitised on all aspects of child protection;
- c). the officers shall at all times demonstrate unreserved commitment to duty; and
- d). officers shall declare any conflict of interest in their line of duty.

9.4 Continuous Professional Development

In addition to basic training in child protection, officers deployed at CPUs shall undergo continuous professional development in accordance with the national policy governing continuous professional development of officers engaged in child protection and juvenile justice.

9.5 Minimum Training Requirements

9.5.1 Junior Officers (non commissioned)

- a). basic training in Child Protection;
- b). specialist training in-
 - i). counselling skills;
 - ii). communicating with children and interviewing skills;
 - iii). basic investigation techniques;
 - iv). conflict resolution; and
 - v). Information Communication Technology (to tackle cyber crime and facilitate effective data and records management)
- c). ICT - Computer skills;
- d). principles of customer care; and
- e). first aid and basic health

9.5.2 Senior Officers

- a). advanced training in the Legal Framework for the administration of juvenile justice;
- b). advanced Investigation skills; and
- c). psychological trauma debriefing skills.

9.6 Capacity Building

Trained officers may only be transferred to other CPUs to retain the much-needed expertise in the administration of CPUs. Induction programmes should be administered on all newly deployed or re-deployed officers.

Staff Evaluation shall be undertaken periodically to gauge capacity and identify training needs. The supervisory team shall undertake monitoring and evaluation of the training programmes at the station and national levels.

9.7 **Day-to-Day Administration of a CPU**

To ensure effective day-to-day administration –

- a). staff needs assessment and performance evaluation shall be carried out every six months;
- b). the officer in charge shall ensure that the Unit maintains daily contact with other agencies that stand- and remain on call for emergency response; and
- c). regular staff meetings and formal handover between work shifts shall be held and properly documented.

9.8 **Staff Welfare**

Due to the nature of duties performed by police officers at a CPU, the officers stand the risk of exposure to traumatizing experiences, which are likely to impact negatively on their psychological and emotional health. Accordingly, officers are advised to seek help from the Chaplaincy and Counseling Unit of the National Police Service.

CHAPTER 10 - RESOURCES

Adequate resources shall be provided to guarantee effective child protection services, efficient service delivery and proper administration of a CPU. These include –

- a). skilled personnel within the police service;
- b). external specialists who provide support services;
- c). Physical facilities and infrastructure adequately equipped to meet the needs of children presented at the CPU;
- d). financial resources; and
- e). ICT, telecommunication and records management facilities.

10.1 Internal Human Resources

Officers deployed at a CPU shall be adequately trained and skilled in handling children's cases. In particular, they shall be trained in interviewing children, counselling, investigation, prosecution of cases, and child protection.

10.2 External resources

The police service requires external support to guarantee effective service delivery at CPUs. This requires –

- a). the engagement of specialised service providers for children in need including Nurse/Clinical Officers, Medical Officers of Health (doctors), Children's Officers, Probation personnel, counselling support, legal practitioners, ICT specialists, investigation specialists and experts in assisting children with special needs and children with disabilities; and
- b). referral for Long term support by psychotherapists or psychiatrists.

10.3 Physical Facilities and Resources

The room where children are interviewed shall be child-friendly, and should not look like a courtroom or otherwise intimidating. The officer conducting the interview should not sit on a raised platform. The sitting arrangement shall be uniform. The physical facilities shall have the following features:

- a). well ventilated, spacious and well-lit buildings;
- b). child friendly, welcoming, safe environment painted with attractive bright colours;
- c). customer care desk for CPU use;
- d). accessible by persons and children with disabilities;
- e). availability of clothing, sanitary and hygiene products for the children at the CPU;
- f). adequately equipped playroom with toys, games and other play materials and equipment appropriate for the age and gender of the children;
- g). dining/kitchen facilities where meals for children accessing the CPU can be served;

- h). private counselling / Interviewing room;
- i). Information library and communication and resource materials;
- j). Information on local child protection facilities, centres or systems and child helpline details;
- k). means of Transport appropriate to children requiring emergency transport;
- l). adequate and functional communication, especially telephone and ICT equipment and emergency telephone access;
- m). a detached CPU facility fenced off from the main station;
- n). ample space inside and outside the building for children's recreation;
- o). clean toilets and drainage (sanitation system) with separate facilities for boys and girls;
- p). segregated toilets facilities for adults working at or visiting the CPU;
- q). safe clean water, power supply and back-up system;
- r). visible exterior CPU sign; and
- s). child friendly facilities for children with disabilities.

10.4 Other Resources

- a). there should be fully equipped rooms in the CPU i.e. kitchen, dining, resting rooms;
- b). the play/recreational room should have entertainment and educational facilities, such as audio, audio-visual equipment or television sets;
- c). play materials should be appropriate and fit for use by children;
- d). the vehicle transporting the children shall be child friendly;
- e). every police station shall have a customer care desk;
- f). every CPU shall have access to specialists who effectively communicate with children with special needs, such as –
 - i). visually impaired;
 - ii). hearing impaired;
 - iii). speech impaired;
- g). officers at the CPU shall maintain contact with institutions established to meet the needs of persons with disabilities, such as the Kenya Society for the Blind, the Kenya National Association for the Deaf, the Kenya Institute for Special Education, and the National Council for Persons with Disabilities; and
- h). CPUs shall be equipped with still cameras, video cameras and CCTV equipment for -
 - i). monitoring the CPU;
 - ii). security;
 - iii). taking bio data of the child;
 - iv). for records purposes; and
 - v). or evidence purposes.

CHAPTER 11 - **PARTNERSHIPS**

11.1 **Working with Children and Child Protection Agencies**

CPUs shall endeavour to lend children a listening ear and ensure that their views, wishes and feelings are heard, considered and understood.

CPUs do well to foster partnership by working in collaboration with parents, guardians and the extended family. It is of paramount importance that a CPU works closely with not only the child's family, but also with the community. This includes-

- a). collaborating with approved and vetted faith based organisations, Public Benefit Organisations and Community Based Organisations to access specialised services for the children, such as places of safety, legal aid, counselling and psychosocial support services;
- b). government Ministries and Departments: Collaboration with Sub-County Labour Offices, Public Hospitals and Medical Officers of Health, Sub-County Education Offices, Department of Children's Services, including Sub-County Children's Officers, County Children's Officers, County governments and Department of Probation and Aftercare;
- c). participation of local multi-agency child protection teams through regular monthly meetings to discuss progress of children's issues, legal support, remand and rehabilitation concerns; and
- d). collaboration with voluntary community Social Workers and corporate sector, and Community Policing.

Partnership development and collaboration enables agencies involved in child protection and the administration of juvenile justice to work together to investigate the circumstances surrounding reports of child abuse or neglect. This does not mean that the entire investigation process is undertaken jointly. It only requires a coordinated approach, with close liaison among agencies at each stage of the investigation (prior to, during and at the conclusion of the process). Specific actions or tasks may be allocated to individuals or agencies as appropriate.

11.2 **Networking**

Networking and collaboration may also be used for Resource Mobilisation and awareness-creation. However, partnership development should be guided by the following:

- a). every CPU should keep and maintain an updated directory of vetted and approved partners (usually comprised of civil society organisations) for use by the CPU officers – vetting to be undertaken by the Sub-County Committee, and approval for collaboration given by police head quarters;
- b). there should be in place a clear care and protection process of handling children from the time they get to the CPU - responsibilities for partners and referral service agencies shall be clarified to avoid delay, ensure expeditious service delivery, and avoid duplication of efforts;

- c). there should be established a feedback mechanism to enable CPUs to know how children fare on after they leave the CPU; and
- d). responsibilities for partners (referral service agencies) should be clarified to avoid delay and duplication of efforts in service delivery.

CHAPTER 12 - **RISK ASSESSMENT GUIDELINES AND DISASTER RISK REDUCTION**

The term “risk” refers to a situation of vulnerability with a high potential and likelihood of incidents occurring with adverse consequences or the possibility of harm. Risk management processes are designed to pre-empt and protect individuals from possible harm or threat. The following guidelines highlight and set out the vulnerability areas that require regular attention and monitoring.

Risk = Threat + Vulnerability

12.1 **Safety / Risk Assessment**

With regard to response to emergency within the CPU:

(a) the effectiveness of fire evacuation facilities and procedures - extinguisher, assembly point, information on escape routes and guidelines, frequency of fire drills and register of people present at the CPU at any particular time;

- a). first aid kits with basic medical supplies;
- b). staff and children preparedness in case of emergency; and
- c). access to ambulances and fire fighting equipment/trucks.

With regard to the physical Infrastructure/building:

- a). the perimeter wall/ fencing;
- b). office rooms secured for property safety;
- c). child friendly building;
- d). safe recreation area;
- e). disability-friendly/sensitive;
- f). toilets & bathrooms - separate for boys and girls;
- g). electrical appliances and fittings - placed safely;
- h). building well ventilated, including rooms and offices;
- i). safe water;
- j). toilets and kitchen away from main building, and toilet away from water source;
- k). windows not to be grilled; and
- l). doors to be opened outwardly

12.2 **Risk Management Guidelines**

Risk management is critical to the safety and integrity of a CPU. The following list is not exhaustive or prescriptive of the procedure for risk management, but serves only as a basic checklist in that regard. However, CPUs shall have a risk management policy that clearly sets out the elements of staff training to ensure their disaster preparedness. For example –

- a). officers shall be trained on Disaster Management and Risk Assessment and the designated staff responsibilities in emergency situations made clear;
- b). telephone numbers for emergency services shall be placed in several conspicuous locations within the premises;
- c). all officers shall be trained in emergency response/evacuation procedures;
- d). all staff engaged at the CPU shall be trained in risk prevention strategies;
- e). a whole building risk assessment should include the design, furnishings and layout of the building for specific use, including suitability for disability access;
- f). lighting, ventilation, heating and cooling systems shall be assessed;
- g). there shall be installed in the premises fire extinguishers and first aid kits; and
- h). each CPU shall designate an officer to keep and maintain an Inventory of incidents in such form as may be directed by the IG.

12.3 **Physical Structure / Safety of CPUs**

To ensure safety and maintenance of the CPU, steps shall be taken from time to time to undertake –

- a). inventory;
- b). regular stocktaking; and
- c). regular maintenance of the premises.

12.4 **Violence at Work**

- a). all CPUs shall issue a statement of anti-violence, setting out clearly that violence, whether by adults or children, shall not be tolerated; and
- b). there shall be day and night security and surveillance at All CPUs to ensure the safety and well being of children from attack or abuse.

12.5 **Natural Disaster or Critical Incident Reporting**

To ensure preparedness for natural disasters or other incidents –

- a). CPUs shall engage with the Local Disaster Emergency committee in planning for possible emergencies and disasters; and
- b). staff engaged in the CPU shall be aware of possible emergencies relating to acute disease outbreak, fire, floods, earthquake or tremors, landslides and building collapses.

Appendices

Appendix 1 - Interviewing Skills & Stages of an Interview

One of the most important skills in interviewing is “listening”. Key listening skills include-

- a). giving time and space for people to say how they feel and what they think;
- b). allowing “silence” to give time to think and reflect;
- c). not interrupting when others are speaking;
- d). acknowledging that thoughts, opinions and feelings are valid, even if they are not shared;
- e). looking out for things that are said and those that are not said, and responding;
- f). asking for clarification or explanation when something is not understood;
- g). not “telling” people how they think and feel, but asking them;
- h). not showing shock or “judging”, but accepting what someone is saying;
- i). respecting others;
- j). being clear about what assistance can be given or what can be done in the circumstances, and not making empty promises or false reassurances; and
- k). being clear what the consequences are, and what will happen next.

In addition to the foregoing, there are a number of other techniques that may be used to encourage communication as outlined below.

(i) Asking open questions rather than closed questions - Questions that cannot be answered with just a yes / no / or one word answer. For example, “Can you tell me what happened next?” - encourage people to speak.

(ii) Reflection/reframing - showing what has been said has been heard, by repeating or reframing what has been said. For example, “I am so busy I never have time” – “so there is never any time?” or “so you never get time to ...”..

(iii) Clarifying - Questions and statements which help people clarify what they think or feel, and to check understanding. For example, “So were you angry because of X or Y?”

(iv) Summarizing - briefly summing up what has been said. This is especially useful as a technique for showing people that they have been heard and understood, and clarifying that what has been said has been understood, particularly when a long story or answer has been given.

Important Considerations when interviewing children

Privacy - depending on the environment, it may be difficult to have much choice over how to organize the interview with a child or adults. Children should always be given the opportunity for a private interview as part of the assessment process, and should not be interviewed in the presence of their parents or guardians where there is allegation of abuse or neglect.

Location - where is the best place to interview? For example, should it be in the CPU premises or somewhere comfortable outside the premises?

Time - what is the best time of day to conduct the interview? How will this effect or conflict with normal routine?

Duration - how long to allow for the interview? Children generally need shorter time for interview. One might consider having several brief sessions over a few hours.

Special needs – does the child have any special needs (such as communication difficulties) that should be considered? the age and development of a child should also be considered.

Persons involved - who is the best person to be present at the interview? if interviewing a child, Is it appropriate for someone else to be present to help the child feel more comfortable and free to speak?

Clarity about the reason for interview - for example, the allegations and cause for concern, so that the relevant issues can be explored without having to re-interview the child.

Clarity about the process after interview - it should always be explained to children what will happen after, or as a result of the interview.

Limits of confidentiality - children should be made aware what will happen with the information they give, and who will be told what they say.

Stages of the Interview

When interviewing a child, the interview should be conducted systematically along the following stages:

- a). introduction – introduce yourself, negotiating limits and extent of confidentiality, reassuring the child that they are not in trouble, and explaining why you will be taking notes;
- b). rapport building – establishing a relationship (for example, by asking general questions not related to the incident or talking about “neutral” subjects of interest to the child);
- c). free narrative - allowing the child to speak freely about the incident or situation in the home, with no interruptions, although the child may need prompting with such questions as “so tell me what happened when ...”);
- d). clarification & questions - to fill in the gaps and to make sure that what has been said has been understood; and
- e). summary & conclusion – double checking that you have understood the information provided, explaining what will happen next, and checking whether the child has any questions. At this stage, it is very important not to make false promises or say that something will or will not happen, but which cannot be guaranteed (even if this is to reassure).

Appendix 2 – Initial Contact Form

Name of Child:		Child's Code No:	
Age / Date of Birth:		Gender:	
Date of Assessment:		Assessment Carried Out By:	
Parent's/ Guardian's name:		Telephone number:	Occupation:
County:	Sub-county:	Location:	Estate/Village:
Family Composition / Household Members:		Family's Physical Address:	
Welfare Services or Agencies in Contact with the Child:		School attended (if any):	
Reasons why the child is at the CPU:			
Family Background/Summary of Recent History/Critical Events:			
The Child's Development & Wellbeing (physical, emotional, cognitive, spiritual, and any ascertainable special needs):			
How does the child appear? (Health wise, Hygiene, Physically and Dressing):			
Level of Education:			
Family Relationships & Dynamics, and relationship with others, including relatives and friends:			
Living Conditions & Parents Economic /Employment Situation:			
Support from Extended Family/Community:			
Previous History of Abuse (Supported by Documentary Evidence, if available):			
If interviewed, the Parents or Guardians views concerning the child:			
The child's view concerning the Parents or Guardians:			
Any Other Relevant Information:			

Appendix 3 – Referral Form

Child's Code No

Date:

From	Position		
To	Position	Organisation's name	
Name of the Child:	Gender:	Age:	
County:	Sub-County:	Location:	Estate/Village:
Name of Parent's/ Guardian's:	Telephone number:	Occupation:	
Referral date:		Time:	
Name of Children's Officer (Case worker):	Phone:	Email:	

Reason for referral / support needed for the child

.....

Name of Ward Police Commander

Signature.....

Date..... Time

