REPUBLIC OF KENYA

IPOA Independent Policing Oversight Authority

THE

INDEPENDENT POLICING OVERSIGHT AUTHORITY

IPOA REPORT ON POLICE CONDUCT DURING THE 2025 BY-ELECTION ELECTORAL PROCESS

2026



GUARDING PUBLIC INTEREST IN POLICING

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EXECUTIVE SUMMARY

The Independent Policing Oversight Authority (IPOA) conducted a monitoring exercise on police conduct during the 2025 by-elections held on 27th November 2025. The monitoring assessed National Police Service (NPS) compliance with the Constitution of Kenya, the Elections Act 2011, the Public Order Act, the National Police Service Act 2011, and the Service Standing Orders across the pre-election, election-day, and post-election phases.

The Authority observed that the NPS generally provided adequate security on election day, collaborated effectively with the Independent Electoral and Boundaries Commission (IEBC), and safeguarded polling, counting, and tallying processes. Officers were deployed across multiple counties, demonstrated operational coordination, and did not record incidents of excessive use of force on polling day.

However, several concerns emerged during the monitoring period. The pre-election phase experienced incidents of violence in some electoral areas, allegations of partisan policing, and limited investigative follow-up on reported electoral offences. Operational gaps were also identified, including the absence of an observable election deployment plan, police increased goons activities with minimal to no police action, inadequate officer identification, insufficient welfare provisions, and excessively long working hours without adequate rest.

The post-election environment remained largely calm, with no major public order disturbances reported. IPOA did not receive complaints related to police conduct during the election cycle at the time of reporting.

The monitoring findings highlight the need for strengthened police preparedness, enhanced impartiality safeguards, continuous training on electoral security, improved officer welfare, and conclusive investigations into electoral offences. Implementing these measures will reinforce public trust and ensure that future electoral processes are secured in full compliance with constitutional and statutory obligations.

1 INTRODUCTION

IPOA's mandate under Section 6 (c) of CAP 86 of the Laws of Kenya provide for monitoring and investigating policing operations affecting members of the public. The principal function of the Authority in relation to monitoring of police operations is to guard public interest in all policing activities; monitor police actions or inactions as per the law; ascertain the emerging trends in policing; review the patterns of police misconduct; publish findings including by means of the electronic or printed media and make recommendations to the Police Service or any State organ as well as report on all monitoring functions under its Act or any written law

1.1 Background

On 8th August 2025, the Independent Electoral and Boundary Commission (IEBC) vide gazette notice 11158 and 11159 advertised its intention to conduct by-elections in 22 electoral areas whose elected members had either died, resigned or nullified. The by-elections were set to be conducted on 27th November 2025. The list of elective areas comprised both ward constituency-level jurisdictions across several counties. At the ward level, the areas included Chemundu/Kapng'etuny Ward, Metkei Ward, Tembelio Ward, Lake Zone Ward, Nanaam Ward, Fafi Ward, Chewani Ward, Kisa East Ward, Kabuchai/Chwele Ward, Nyamaiya Ward, Ekeranyo Ward, Nyansiongo Ward, Kariobangi North Ward, Mumbuni North Ward, Purko Ward, Angata

Nanyokie Ward, and Narok Town Ward. At the constituency level, the list included Banissa Constituency, Malava Constituency, Kasipul Constituency, Ugunja Constituency, Mbeere North Constituency, and Magarini Constituency. At the Senate level, the list also included one Senate position relating to Baringo County. Following the gazettement, the electoral process was set in motion and political parties began preparations to participate in the by-elections.

The Police have the ultimate responsibility to maintain a secure and peaceful environment and to preserve law and order, including bringing anyone aiming to disrupt the electoral process to justice. NPS is required to commit and ensure peaceful, secure, and transparent electoral processes. Under nominations by political parties, NPS can be requested to provide security during party nominations. During campaigns when political parties and candidates popularize themselves through meet the people tours, distribution of campaign materials, advertisements and roadshows, the Service is expected to maintain law and order during this period. They are also required to collaborate with IEBC during the electioneering period to ensure that the security challenges and threats that may compromise the elections are effectively and efficiently managed. On the polling day, the Police are required to provide security to safeguard the polling process at the polling stations. After polling, the Service is required to provide security to safeguard the process of counting and tallying of the votes including announcement of results at the polling station and tallying centre. They are also required to safeguard transportation of election materials and equipment and election officials.

Various laws guide the Service in carrying out these duties including the Constitution of Kenya Articles 34(Freedom of the media), 36(Freedom of association) 37(Assembly), 38(Political rights),239(3), 244 and 245; The Public Order Act CAP 56, Elections Act 2011, National Police Service Act 2011 and Service Standing Orders.

In line with this framework, the Authority conducted monitoring activities across the three phases of the by-election cycle, focusing on NPS compliance with constitutional rights, statutory provisions, and internal police standards.

1.2 Objectives

The objectives of the monitoring exercise were to:

1. Check compliance to the, Constitution, Elections Act 2011, Public Order Act, National Police Service Act 2011 and National Police Service Standing Orders, on matters related to Police Roles during Elections.
2. Identify gaps and make recommendations to improve security provision during Elections in accordance with Section 6(k) of IPOA Act.

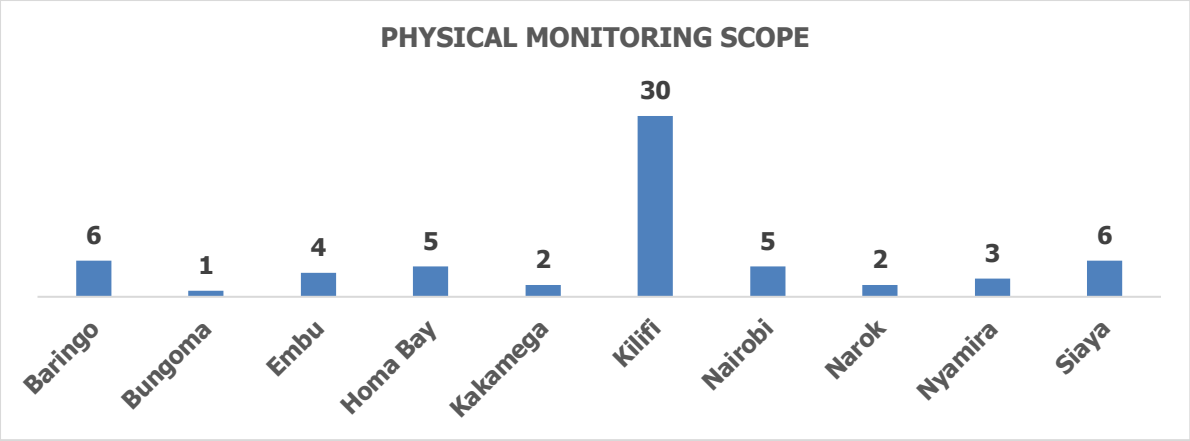
1.3 Methodology

The monitoring employed a mixed-methods monitoring approach designed to evaluate police compliance with constitutional obligations, statutory requirements, service standing orders, and the Election Security Management during the by-election cycle. The methodology was structured around the pre-election, election-day, and post-election phases, enabling a comprehensive and sequential analysis of police actions across the entire electoral process. The IPOA monitoring teams used observation, interviews, desktop review of applicable laws, monitoring through media reports and photography to monitor and document Police conduct during the 2025 by-elections process. The teams documented the observations using the Authority's structured Election monitoring tool. The monitoring criteria was based on the tool

which covers the following thematic areas; introduction, presence and conduct of the National Police Service officers during the election process, Security at the polling centres, crowd control, Police conduct and response during elections, Officers concerns and challenges and other observations.

1.4 Scope

The by elections were conducted in **22** electoral areas. Through media monitoring, the Authority followed the events across the **22** electoral areas pre, during and after the electoral process. However, the Authority deployed physical monitors during the election day in **3** ward by elections; **5** constituency by-elections; and **1** Senatorial by-election. Physical monitors covered **64** polling centres across **10** counties as shown on the chart below.



2 KEY OBSERVATIONS MADE ON POLICE CONDUCT DURING THE ELECTORAL PROCESS

2.1 Pre-Election Period (Between 8th August 2025 and 26th November 2025)

This period involves voter registration, voter education, training of election officials, political party primaries, nomination of candidates and electoral campaigns

2.1.1 Maintenance of public order during this period

Under the Elections Act 2011(revised 2019) section 105, the National Police Service is required to maintain public order during the party primaries and during the campaigns. It is the duty of all police commanders to police public gatherings, meetings and processions in their respective areas of operations as guided by the Public Order Act (Cap 56). From the observations made by the Authority, to a larger extent, the National Police Service maintained law and order during the party primaries and the campaign period. There were, however, incidents where the NPS was unable to maintain law and order. In Kasipul, Narok, and Kabuchai public disorder and violence was witnessed on various dates.

2.1.2 Incidents during this period

1. **Violence in Kasipul Constituency**

   On 7th November2025, incidents of political violence occurred in Kasipul constituency. This violence led to loss of 2 lives and injuries. Senseless acts of hooliganism, harassment, intimidation, wanton destruction and violence were witnessed. IEBC called on the DCI to investigate all reported incidents of violence and ensure that

individuals found culpable were arrested and held accountable in accordance with the law. (Source: IEBC media release)

2. **Violence in Narok Town**

   On 24th November 2025, there was violence and disorder following a campaign tour by the former deputy presidedent H.E Rigathi Gachagua. It was alleged that all highways in and out of Narok town were blocked to prevent H.E Rigathi from campaigning. Tear gas canisters and live ammunitions were allegedly used by the Police to disperse the crowd. (Source: DCP media release).

2.1.3 Reporting and investigation of election offences and complaints.

As at the time of writing this report, the Authority was not aware of any reports or investigations undertaken by the NPS related to electoral offences\ complaints reported.

2.1.4 Compliance with Article 239(3) ,244 and 245 of the Constitution

Article 239(3) of the constitution guides the NPS that while carrying out its duties and using its powers, it must remain completely impartial. It must not act in a way that shows political bias, support the interests of any political party or political cause, or undermine any legitimate political interest or cause protected by the Constitution. However, throughout this period there were allegations, especially from the opposition parties/individuals, of NPS appearing to act in a partisan manner in favour of the ruling Party (parties/individuals supporting the government) during campaigns. Following from these allegations were perceptions that the IG was not performing his duties as envisioned in Article 244 of the constitution and was not exercising independent command on law enforcement as required under Article 245.

2.1.5 Relationship with the Media.

Through the monitoring conducted before the actual election, the Authority did not observe any incident of police-media hostilities during the coverage of political rallies.

2.1.6 Cooperation with IEBC

Throughout the campaign period, the Authority observed that the NPS had a cordial working relationship with the IEBC. This was also supported by various media releases by IEBC and NPS.

2.1.7 Election deployment plan.

As at the time of writing this report, the Authority was not aware of any Election deployment plan having been drawn by the Service. However, from the observations made, the Service looked organized on 26th and 27th November 2025(the eve and the election day respectively). The Service deployed its members (KPS, APS, GSU and DCI officers) across most of the electoral areas and members of the Kenya Prisons Service in some areas like Magarini constituency. The officers comprised of both female and male gender.

2.1.8 Training of Officers on electoral Security

Officers that were to be deployed to police the election day (27th November 2025) were not trained on electoral security but were briefed on 26th November 2025 by their respective commanders (Sub-County Commanders or County Commanders). During the election day, monitors in Magarini observed that some of the officers deployed to police the election seemed unaware of what they were expected to do when faced with a situation.

2.2 Elections Period (27th November 2025)

This period involves polling, counting of votes, verification of results and declaration of winners.

2.2.1 Provision of Security

The National Police Service provided Security adequately in all the Polling Centres Monitored. The National Police Service deployed members of; KPS, APS, GSU, DCI, and Kenya Prisons, to provide Security during the Election process. NCO's and members of inspectorate, were in-charge of security in their respective Polling Centres. The Authority observed that some polling centres did not have female officers.

All the deployed officers reported to have been jointly briefed by their respective Sub County Commanders and IEBC Returning Officers prior to the Election date. They were briefed on; Crowd control, use of force, use of fire arms and their role as Election Officials.

2.2.2 Execution of Police Officers' functions during the elections

From the observations made, Police Officers provided security at the venues where the election of the candidates was held. They safeguarded the polling process at the polling stations and safeguarded the vote counting process; provided security during transportation of election materials and equipment; and provided security for election officials, election materials and equipment as guided by the Law.

2.2.3 Cooperation with the IEBC

Throughout the monitoring process, IPOA Officers observed that the deployed National Police Service Officers collaborated well with the IEBC officials throughout the exercise. The NPS offered all the support requested by the IEBC Officials including removing the unruly individuals from the polling centres.

2.2.4 Police welfare

Police Officers deployed to provide security during the By-Elections were provided with dry food (bread and milk), water, soda, while others were provided with hot meals. The Police officers were also provided with transport and allowances. However, from the centres monitored Officers complained that the allowance was too low, while others complained of not having been supplied with meals (dry or hot meals).

2.2.5 Working hours

Most of the Police officers deployed worked between 24-48 hours. The NPS Act section 46 (2) stipulates that, "Working hours of police officers shall be reasonable and where excessive overtime is required police officers shall be compensated with commensurate periods of rest, and they shall be allowed a minimum time of rest and in between shifts." The officers worked for long hours without breaks throughout the day and night until the completion of the exercise.

2.2.6 Tools and equipment deployed during this phase

Officers deployed to police the by-election mainly had guns while others had batons, handcuffs, helmets and body armour. All the officers were facilitated with vehicles.

2.2.7 Searches

Searches were not conducted in majority of the Polling Stations monitored. Searches were only observed in **2** polling Centres and it was done by police officers of the same gender.

2.2.8 Identification of police officers

Only the commanders of the operations had identification badges, the rest of the police officers were not identifiable by their names or service numbers contrary to Rule 10 of the Sixth Schedule that requires every police officer in uniform to, at all-times, affix a nametag or identifiable Service number on a clearly visible part of the uniform.

2.2.9 Arrests

An incident was recorded at Kasipul Constituency where Homabay Town MP Peter George Kaluma was injured during a scuffle allegedly between voters and goons at Agoro Sare Primary School while his bodyguard lost his riffle. This led to the arrest and detention of **22** people at Oyugis Police Station.

2.2.10 Deaths and Injuries as a result of police action/inaction

There were no cases observed or reported on injuries/deaths occasioned by police officers during the day.

2.2.11 Destruction of property

Through media reports, private vehicles were allegedly set on fire and stoned in Malava and other electoral areas.

2.2.12 Complaints against Security Personnel

No complaints were recorded against Police officers.

2.2.13 Incidents where Policing was done well

IPOA observed that policing in Kariobangi North ward; Baringo County, Magarini Constituency; and Unguja Constituency, was well organized and ensured a peaceful, secure, and transparent electoral processes.

2.2.14 Incidents of violence during this period

Through the media and IEBC press release on 27th November,2025, there were incidents of violence, intimidation, and disruptions in some electoral areas. Such included attack on Hon. Peter Kaluma in Homabay and attack on Seth Panyako and his employees in Malava constituency. Vehicles were also burnt during this day. IEBC called on the NPS and the DCI to investigate all reported incidents of violence and ensure that individuals found culpable were arrested and held accountable in accordance with the law. (Source: IEBC and NPS media release, NPS Citizen tv).

2.2.15 Presence of unmarked vehicles

In Mbeere North Constituency, monitors observed vehicles without number plates along the main road and around Polling Centres without any police action.

2.2.16 Allegations of goons activities during the polling day.

In Mbeere North, Kasipul, Narok town ward and Malava constituencies there were allegations that the activities of goons were rampant. In Mbeere North, road blocks were erected by GSU and RDU officers and vehicles were stopped and searched since there were allegations that they were ferrying goons and voting materials. In Narok town ward, at approximately 1945

hours, a group of unidentified individuals/goons attacked the St. Peter's Primary polling centre and vandalized ballot boxes and other electronic materials assigned to four streams. Monitors observed the alleged goons accompanying aspirants to the polling centres where they caused disorder and attracted police action. Some polling centres became inaccessible due to the presence of goons who purported that they were protecting the vote.

2.3 Post-Election Period

This period follows the events of the election day and involves cerebrations and aspects of public order management.

2.3.1 Complaints against Security Personnel

As at 2nd December 2025, the Authority had not received any complaint regarding police action or inaction related to the election cycle.

2.3.2 Maintenance of public Order after the By-Elections

After announcement of the winners, there were no major public order issues that arose across the country.

2.3.3 Incidents during this period

There were no major incidents noted during this period. However, on 30th November 2025, PCEA Kariobangi North Church experienced some disturbances following clashes between alleged rival youth groups in the area. Police action, led to the violence spiraling to the Church. There was a thanks giving ceremony following the success of a DCP candidate on the 27th November 2025 by-election. **6** individuals sustained injuries. In attendance were political leaders led by H.E Rigathi Gachagua. (Source: NPS Media release).

2.4 Gaps identified and recommendations

2.4.1 Gaps Identified

1. Inadequate capacity of the NPS to maintain law and order before, during and after the electoral process.
2. Lack of conclusive investigation and prosecution of those found to have committed offences during the electoral process.
3. Inadequate deployment of officers leading to overworking of officers
4. Meagre allowances to the Officers deployed during the election day
5. Lack of refresher training for officers on electoral security.
6. Allowing aspirants back to polling centres severally during the polling, created instances of disorder inconveniencing other voters and raising tension as they were always followed by unruly crowds.
7. Security gap being filled by goons.
8. Some Polling Centres did not have female officers
9. There were vehicles without number plates in Mbeere North and they operated without any Police action.
10. Police meals and allowances were inadequate.

3 CONCLUSION

The 2025 by-elections presented an important test of the National Police Service's (NPS) ability to safeguard constitutional rights while facilitating a peaceful and credible electoral process. IPOA's monitoring across the pre-election, election-day, and post-election phases

demonstrated that, although the Service fulfilled many of its core security obligations, notable gaps remain in the areas of impartiality, preparedness, and accountability. Police officers largely maintained order on election day, collaborated with IEBC officials, and ensured security during voting, counting, and tallying processes. However, the pre-election period was marked by incidents of violence, allegations of partisan policing, and inadequate preventive measures.

The absence of structured electoral security training, inadequate deployment plans, and overstretched officers further highlighted systemic weaknesses that require sustained attention. Additionally, the limited investigative outcomes following election-related offences undermine public confidence in the commitment of law enforcement agencies to uphold justice and deter repeat violations.

Overall, the by-elections offered important lessons for future electoral cycles. The challenges witnessed underscore the need for stronger institutional capacity, enhanced professionalism, improved welfare provisions, and strict adherence to constitutional and statutory standards. Addressing these gaps will be essential in promoting public trust, strengthening democratic processes, and ensuring that future elections are conducted in an environment that is secure, impartial, and fully compliant with the rule of law.

3.1.1 Recommendations

National Police Service

i. Commend electoral policing in Kariobangi North ward; Baringo County, Magarini Constituency; and Ugunja Constituency.
ii. The National Police Service should come up with modalities of ensuring law and order is maintained before, during and after the election process by evaluating its performance during past by-elections and coming up with strategies to ensure that the electoral process in future is free of lawlessness, interference, violence, intimidation, deaths, injuries, hooliganism, harassment and destruction of property.
iii. The National Police Service and especially DCI should conclusively investigate and through the ODPP prosecute all those found culpable of committing electoral and criminal offences. To ensure deterrence in future, such investigations and their outcome in court should be made public.
iv. To allow officers work for a maximum of 8 hours a day, the Service should consider deployment of more officers to allow for shifts during the election day. This will resolve the fatigue observed with officers who worked for between 24 and 48 hours without a break.
v. The National Police Service should continuously offer refresher training to all its officers on electoral security. This will be important in enhancing the capacity of the officers to perform their electoral security duties before, during and after the election.
vi. The NPS should not allow vehicles without number plates to operate during future elections as observed in Mbeere North. This defeats accountability measures and creates tension amongst the electorate and may metamorphosis into chaos.
vii. To ensure compliance with gender equity, the NPS should ensure that in future elections, every Polling Centre has at least a female officer to take care of any women-sensitive issues that may arise.

viii. Going to the 2027 General election, the IG should arrest this concept of hired goons who purport to offer alternative security due to NPS inadequacy or lack of trust.

IEBC

i. The IEBC should come up with a law or other mechanism of ensuring that aspirants/politicians don't visit polling centres after they cast their votes. Their agents are enough. This will help the police in maintaining law and order during polling and avoid the unnecessary disorder and tension witnessed every time an aspirant/politician made a subsequent visit to a polling centre.
ii. Meals by IEBC should have a variety that accommodates officers who have medical issues that do not allow them to have soda, bread and milk.
iii. IEBC should enhance the allowances paid to the officers and the allowance should be paid on time. The current allocation was too low considering it was also to be subjected to taxation.

General Public

i. Candidates for political positions and serving politicians should cease from encouraging goonism culture as a method to ascend to political power.

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