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PRESS RELEASE: POLICE CONDUCT DURING MASS DEMONSTRATIONS

On 13th July 2023, IPOA released a statement to inform Kenyans, State and Non-State institutions that it was actively monitoring how the police conducted public order management and was also actively taking up for investigations any matter that fell under its mandate.

IPOA thus takes this opportunity to reassure all other concerned individuals and institutions that it is actively living up to Section 6 (c) of the Independent Policing Oversight Authority Act, which requires the Authority to “monitor and investigate policing operations affecting members of the public” and Section 7 of IPOA Act which gives powers to the Authority, to investigate, “any death or serious injury occurring or suspected to have occurred as a result of police action.”

Further, in its quest to enhance police accountability, the Authority is also analysing the events that may have obstructed police in executing its core function of protecting life and property.

IPOA is therefore investigating cases reported to us and those undertaken on our own motion including; reported deaths from gunshots, injuries to civilians and police, assault of journalists and arrests of civilians. Our investigations will take into account the fundamental rights and freedoms of all the individuals concerned, including members of the Police Service, in accordance with Chapter Four of the Constitution, and as dictated by Section 24 of the IPOA Act.

The Authority also condemns the acts of lawlessness by some members of the public, which sadly culminated in the loss of property and injuries to a number of police officers.

As the NPS strives to contain instances of unlawfulness as mandated by the law, the Authority recommends the use of proportionate force as outlined in the Sixth Schedule of the National Police Service (NPS) Act.

As an output of its monitoring operation on the conduct of police during the demonstrations, IPOA will release a consolidated report with findings and recommendations to various agencies including the Office of the Director of Public Prosecution and the National Police Service. This is specific to the wholesome conduct and operational efficiency of the NPS in execution of its mandate. Besides this, the arising individual investigations will take their own course to conclusion.

IPOA remains independent, impartial, fair and apolitical in all its investigations.



ANNE MAKORI, E.B.S.
CHAIRPERSON.

END

Notes:

CONDITIONS AS TO THE USE OF FORCE AS PER NPS ACT AND SERVICE STANDING ORDERS

- A police officer shall always attempt to use non-violent means first.
- The force used shall be proportional to the objective to be achieved, the seriousness of the offence, and the resistance of the person against whom it is used.
- When the use of force results in injuries the police officers present shall provide medical assistance immediately and unless there are good reasons, failing to do so is a criminal offence.
- A police officer who uses any form of force shall immediately, report to his or her superior.
- Any use of force that leads to death, serious injury and other grave consequences shall be reported immediately to the **Independent Policing Oversight Authority**.
- It shall be a disciplinary offence for a police officer to fail to report in accordance with these regulations.
- A Police officer in uniform shall at all times affix a nametag or identifiable Service number in a clearly visible part of the uniform.
- Following the orders of a superior is no excuse for unlawful use of force.

For queries, please call 020 4906000 or email dennis.oketch@ipoa.go.ke