

**GUARDING PUBLIC INTEREST IN POLICING**

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**1. IPOA VINDICATES POLICE OFFICER AGAINST RAPE ALLEGATIONS**

On 11<sup>th</sup> November 2014, allegations of rape and unlawful detention were made against Police Constable William Shivachi of Kikuyu Police Station. It was further alleged that the overnight detention of the complainant led to the death of her child who was left unattended at home.

Through its own motion, IPOA launched independent investigations into the matter to establish if PC Shivachi had indeed raped and unlawfully detained the complainant. IPOA investigations established beyond doubt that indeed the officer and the complainant were mutual friends.

IPOA's investigation findings exonerated PC Shivachi from all allegations made against him. The Authority forwarded the investigation file together with recommendations to the Director of Public Prosecutions for review and further direction. On 10<sup>th</sup> August 2016, he directed that no charges be filed against PC Shivachi.

**2. POLICE OFFICER TO BE CHARGED FOR GRIEVOUS ASSAULT**

On the morning of 29<sup>th</sup> July 2013, Kasarani Traffic base police officers stopped and arrested a matatu driver for an alleged traffic offense. **Police Constable Jamal Hussein** handcuffed and thereafter severely assaulted the driver in the groin before booking him at Kasarani Police Station. The driver spent the night

in police detention and was not taken to hospital despite complaining of assault related injuries.

The following day, he was arraigned in court and charged with six offenses. He pleaded guilty to five of the counts and was sentenced and sent to Nairobi Remand and Allocation Prison. It is while at the prison that a medical officer established the serious injuries thereupon which the driver was immediately referred to Kenyatta National Hospital. After establishing the severity of the injuries, the hospital had no other option but to remove the driver's testicles. The assault effectively rendered the driver handicapped and he has since been unable to engage in gainful employment.

Consequently, IPOA initiated independent investigations into the assault allegations with a view of establishing culpability on the part of PC Hussein. The investigation file was compiled and forwarded to the Director of Public Prosecutions who concurred with IPOA's recommendations and directed that PC Hussein be arrested and arraigned in Court for causing grievous bodily harm to the driver.

### **3. POLICE OFFICERS TO BE CHARGED FOR KIAMAIKO MURDER**

Following the death of Mr. Stephen Gichuru Mwihaki on 17 May 2015 allegedly caused by the police, IPOA launched investigations to unravel circumstances in which he died and if the police were justified in the use of their firearms in the incident.

The investigations revealed that on the fateful day, Mr. Mwihaki's was hosted overnight by his brother in Kiamaiiko area of Nairobi County. On the fateful day, the deceased's brother left at 5:30am and instructed Mwihaki to drop off the house keys at a local slaughterhouse.

During the delivery of the house keys at the slaughterhouse at 8:00am a commotion ensued resulting in the shooting to death of Mr. Mwihaki by police officers from Huruma Police Station.

On completion of investigations, the IPOA investigation file was forwarded to the Director of Public Prosecutions who concurred with IPOA's recommendations and directed that murder charges be preferred against **Police Constable David Lenkaldayo** and **Police Constable Carlisus Ekidor Apalia**.

#### **4. ANTI-STOCK THEFT OFFICER TO BE CHARGED FOR NAIVASHA MURDER**

Following the death of Mr. Moses Wanyoike, a fisherman on Lake Naivasha on 25<sup>th</sup> July 2014, allegedly caused by a member of the Mirera Anti-Stock Theft Unit (ASTU) of Naivasha, IPOA launched investigations to unravel circumstances in which Wanyoike died and if the officers were justified in the use of their firearms in the incident.

The investigations revealed that on the fateful day, Crescent Island of Lake Naivasha lodged a report for the theft of a sheep the previous day. At 8.00am of the same day, as was his norm, Mr. Wanyoike went fishing together with two other fishermen. During the course of the day, the weather became windy and cloudy forcing the three to seek refuge on the shores of the Crescent Island. It was while they were taking refuge that they were accosted and Mr. Wanyoike shot in the head by one of two ASTU officers. He was abandoned for dead and his two colleagues were arrested.

It was only after public riots the following day demanding for a search and rescue operation to retrieve the body of the deceased that police visited the scene and recovered the body on 27<sup>th</sup> July, 2014. The police arraigned the two fishermen in court on charges of stealing the sheep at Crescent Island.

The IPOA investigation file was forwarded to the Director of Public Prosecutions who concurred with IPOA's recommendations and directed that **Police Constable Evans Maliachi Wiyema** be charged for murder.

#### **5. POLICE OFFICER TO BE CHARGED FOR KISUMU MURDER**

Following the death of Mr. John Abwao Onyanyi in Kisumu County, which occurred on 1<sup>st</sup> March 2014 after he was arrested and allegedly assaulted at

Masogo Administration Police Camp before transfer to Songhor Police Station where he was taken to several hospitals including Kapsabet Referral Hospital where he died, IPOA launched investigations to unravel circumstances in which Mr. Onyanyi died and if the Masogo Administration Police Camp officers involved in the arrest were justified in the use of the force used in the incident.

The investigations revealed that on 15<sup>th</sup> March 2014, there was an alleged cattle theft at Kibigori in Miwani. The owners of the missing cattle tracked them using a motor vehicle and thereafter a suspected rustler was killed by a mob at Chemase. The vehicle was later traced to the Masogo Sub-District hospital compound where the officers laid ambush, arrested and allegedly assaulted Mr. Onyanyi. The resultant post mortem report concluded that the deceased died as a result of repeated blunt abdominal trauma, three broken ribs and internal thoracic bleeding.

The IPOA investigation file was forwarded to the Director of Public Prosecutions who concurred with IPOA's recommendations and directed that murder charges be preferred against **Inspector of Police Ibrahim Leting** and **AP Constable Kibet Lelgo**.

Since its inception in 2012, the Authority has received a total of **5,784** complaints against the police. Of this, **1,330** cases were forwarded for investigations. **321** of the cases have been completed, **163** cases closed, while **160** are still under active investigations. **116** of the completed investigations are under final internal legal review before forwarding to the ODPP while **60** others have been forwarded to ODPP. The ODPP has reviewed and finalised **44** files of which **30** are now in court as at 31 July 2016.

While in pursuit of its mandate activities, the Authority has intermittently been mistaken for only looking for blame in the Police Service. This however, is not the case. IPOA has made numerous recommendations and reports aimed at improving and professionalising policing through policy, sanction and absolution of wrongly accused officers. In conclusion, IPOA remains committed to professionalise the National Police Service through receipt of

public and police officer complaints and own motion initiatives, all aimed at independent oversight and consequent recommendations for policing improvement.

**DENNIS DANSON OKETCH**

**HEAD, COMMUNICATIONS AND OUTREACH DEPARTMENT**

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