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## PRESS UPDATE ON IPOA INVESTIGATIONS

### 1. INDEPENDENT INVESTIGATION INTO THE ALLEGATIONS OF INHUMAN TREATMENT AND INDECENT EXPOSURE OF A MINOR BY KIANGWACI POLICE PATROL BASE POLICE OFFICERS

Following media reports and proliferation of a minor's nude photographs on social media while undergoing an alleged body search at Kiangwaci Police Patrol Base under Sagana Police Station, within the larger Kirinyaga District, The Independent Policing Oversight Authority launched investigations to unravel circumstances into which police officers allegedly exposed the minor indecently by stripping her naked in public.

IPOA investigations revealed that on 5th August 2015, the Form Four student of Kanyama Secondary school in Karatina Town left her school for the August school holidays in Nairobi in the company of her fellow students in a hired Matatu mini-bus. Enroute, the mini-bus was stopped at Kiangwaci by **Inspector of Police Agnes Mwendwa Magiri**, Sagana Traffic Sub-Base Commander and **Police Constable Sarah Wachirah** among other traffic police officers based at Sagana Traffic sub Base.

On suspicion that they were using illicit drugs and alcohol, all the students were taken to Kiangwaci Police Patrol Base where body searches which included removal of their brassieres were conducted. The minor, who was found to be in procession of bhang (Cannabis Sativa), was dragged to the Report Office which is located publicly upon which her skirt was lifted up and her panties pulled down leaving her entire pubic area exposed and visible to the public. The minor was later detained in the cells at Kiangwaci Police Patrol Base before she was later transferred to Sagana Police Station and arraigned at Baricho Law Courts the following day where she pleaded guilty to possession of narcotic drugs. Later on, the minor's half naked pictures allegedly taken by police officers during the body search emerged on Social Media and later in mainstream media.

On conclusion, the IPOA investigation file was forwarded to the Director of Public Prosecutions who concurred with IPOA's recommendations and directed that IP Agnes Mwendwa Magiri, and PC Sarah Wachirah be charged for the offence of subjecting the minor to cruel, inhuman and degrading treatment contrary to Sec.95 of the National Police Service Act, Cap IIA of 2011. The DPP directed the Inspector General of Police to cause the arrest and arraignment of the officers in Court.

### 2. POLICE OFFICER TO BE CHARGED FOR MURANG'A MURDER

Following the death of Mr. Karanja Julius Mwangi in Murang'a County, which occurred on 2nd November 2014 after he was accosted by police officers and allegedly shot at his home, IPOA launched investigations to unravel circumstances in which Mr. Mwangi died and if the Police Officers involved in the shooting were justified in the use of the firearms.

Investigations and witness accounts revealed that at around 1700hrs on the fateful day, at Ngaburi Shopping Center, the deceased engaged his wife in a domestic squabble over a financial loan repayment plan. The deceased's wife proceeded to nearby Muthithi Police Station where she filed a complaint that her husband had threatened

her life and that of their child. At around 1900hrs, the deceased's wife proceeded home accompanied by two Police Officers. **PC Hillary Nyatodo Oyugi**, one of the accompanying officers then fatally shot Mr. Karanja Julius Mwangi. PC Oyugi later claimed that the deceased attacked him with a panga (machete) prompting the shooting. Post mortem examination revealed that the deceased died of traumatic shock caused by gunshot wounds to the chest, arm and right leg.

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 PC Hillary Nyatodo Oyugi.

### **3. POLICE OFFICER TO BE CHARGED FOR GRIEVIUS ASSAULT**

Following a shooting incident on 30th September 2014 in which a lady was allegedly shot while traveling in a Matatu along Magadi Road, near the Multimedia University, Kajiado County, IPOA launched investigations to unravel circumstances in which the shooting occurred and if the police officer was justified in the use of his firearm in the incident.

The investigations revealed that on the fateful day, **APC Brian Ochieng Anyango** and a colleague from Rongai Police Station in Ongata Rongai were on official beat and patrol duties along Magadi Road. Whilst there they got information alleging that illegal sect members together with Matatu crews were harassing members of the public. They responded to the incident and arrested several suspects. APC Anyango thereafter pursued another suspect who boarded a Matatu which sped off with the officer on board. In the process of apprehending the suspect, APC Anyango discharged his official firearm thereby injuring the lady on her left thigh. Members of the public disarmed the Officer and surrendered the firearm to traffic police officers who responded to the incident.

The investigation file was compiled and forwarded to the Director of Public Prosecutions who concurred with IPOA's recommendations and directed that PC Anyango be arrested and arraigned in Court for causing grievous bodily harm to the lady.

### **4. INQUEST TO BE CONDUCTED IN KISUMU POST ELECTION DEATHS**

After President Kenyatta was declared winner of the presidential race in the 2013 general elections, his contender, former Prime Minister Odinga lodged a petition against the results at the Supreme Court. The petition ruling was made on the 30th March 2013 at around 1730hrs. The ruling sparked riots and violence in Kisumu City and its environs. Police officers drawn from the General Service Unit, Administration Police Service, Kenya Police Service and the Dog Unit who had been put on high alert responded to the violence with the objective of dispersing the rioters. It was alleged that in the ensuing violence, the police fatally shot Mr. Joseph Ongoro Ochieng and Mr. Eric Ouma Ndia.

Based on a letter from IMLU and on own motion, IPOA launched investigations with a view of establishing culpability and if the police were justified in the use of force including their firearms in the incident.

Independent investigations revealed that the police expended indiscriminate force even on non-demonstrators who were not involved in the demonstrations. Further, the post mortem examinations revealed that Mr. Ndia died of abdominal gunshot injuries while Mr. Ochieng died as a result of acute hemorrhage due to a gunshot wound to the left thigh that severed his femoral artery. Mr. Ochieng, a carpenter was allegedly shot when police officers stormed Kibuye Market and randomly shot and lobbed teargas at people who had sought refuge in the market. The investigations recorded twenty-one gunshot victims, numerous broken ribs and soft tissue injuries.

On completion of investigations, the IPOA investigation file was forwarded to the Director of Public Prosecutions who directed that the matter be disposed of by way of an inquest and be placed before a Magistrate for hearing and culpability determination.

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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