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PRESS RELEASE: INVESTIGATIONS INTO POLICE CONDUCT DURING MASS DEMONSTRATIONS

The Independent Policing Oversight Authority has opened investigations into various incidents that have occurred in parts of the country, during mass protests that have pitted the police against members of the public in recent times.

On the onset, the Authority lived up to its mandate and in particular Section 6 (c) of the Independent Policing Oversight Authority Act, which demands that the Authority shall; “monitor and investigate policing operations affecting members of the public.”

This call to live up to the rule of law resulted in findings that IPOA authoritatively summarises as follows.

1. Whether there were any circumstances that impeded effective policing.
2. Whether any incidents warranted further action beyond monitoring, like but not limited to, investigations and recommendations.

In view of the above, the Authority confirms that there were incidents that warranted investigations because loss of lives and serious injuries that occurred during the police operations.

This is supported by Section 7 of IPOA Act which gives powers to the Authority, to investigate, “any death or serious injury occurring or suspected of having occurred as a result of police action.”

Here, the Authority is cognizant of the dictate that there are no two ways about it – all deaths and serious injury, either cognisable on face value or on suspicion, must be investigated.

Secondly, the Authority is also addressing the issue of events that may have impeded effective policing.

This is further informed by Article 244 of the Constitution and objectives of the Authority that police shall strive for the highest standards of professionalism.

Thirdly and in consideration of the above-mentioned legal provisions, all findings must culminate in remedial actions, in form of recommendations to the relevant State and other agencies.

Key recipients of our recommendations are the Director of Public Prosecutions, the National Police Service Commission and the Inspector General of Police, especially where prosecutorial, administrative and disciplinary remedies are required respectively.

On investigations, our officers must peruse through all available information, including formal reports as well as unsupported claims and the Authority takes this step to inform

the public that all procedures are at play to ensure we live to the spirit of guarding public interest in policing.

Further, in ensuring police are accountable to the public, our investigations are also directed to one of the functions of the police - protection of life and property.

In this regard, the following incidents are now under active investigation by the Authority, whether they have been reported to us or not.

1. Reported fatalities resulting from gunshot injuries in Kisumu, Kisii, Makueni, Machakos, Nairobi, Kajiado and Migori.
2. Injuries to both civilians (including minors) and security officers in various counties.
3. IPOA also registered damage to state and private property including businesses and a media van in Nairobi.

Arising from the above, 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.

Developing from the preliminary findings already in hand, the Authority strongly condemns the witnessed incidents of lawlessness.

Further, as IPOA calls upon the NPS to contain such unlawfulness as prescribed by the law, the Authority also recommends the use of proportionate force as outlined in the Sixth Schedule of the NPS Act.

Lastly, the Authority sends condolences and prayers to the families and friends of those who lost their lives as it also wishes a quick recovery to Police officers and members of the public who were injured during the demonstrations.

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