



# GUNS: OUR SECURITY, OUR DILEMMA!

## Enhancing Accountability for police use of firearms

### CONTEXT

In the last two years IMLU documented about 200 cases of gun related deaths by law enforcement agents. Complaints by relatives, witnesses and community members indicate an unlawful pattern of firearm use. IMLU is aware of the threat posed by armed crime and take cognizance of the fact that pursuing armed criminals is a hazardous process. This notwithstanding the use of firearms by the police has to be within the confines of the law.

Police use of lethal force when used appropriately is legally sanctioned by both statutes and case law. The local statutes that regulate use of firearms include Firearms Act, National Police Service Act, Penal Code, Criminal Procedure Code, Draft Police Force Standing Orders and the Constitution of Kenya 2010. The law allows the police to use firearms if the situation warrants it i.e. for the protection of and preservation of life. This is in line with international standards and obligations. It follows therefore that compliance **MUST** be subject to inquiry.

Ultimately therefore the decision of a police officer to discharge his/her weapon and possibly take someone's life must be seen as the **most important decision** an officer can make.

In response to reports of increasing incidents of armed crime and allegations of suspicious deaths in the hands of law enforcement officers, the Independent Medico Legal Unit commissioned a research study to define this problem.

### SUMMARY OF KEY FINDINGS

This study set out to:

1. Determine the prevalence, pattern and forensic features of gun related deaths and to
2. Qualitatively explore views on the nature and prevention of gun violence in Kenya.

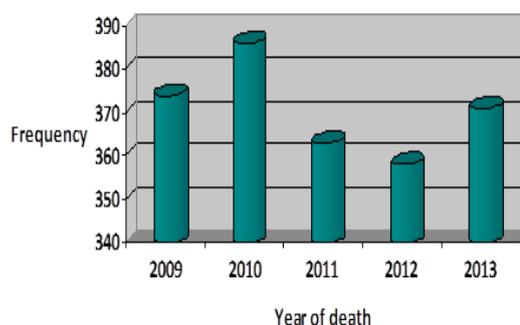
With this regard we examined postmortem records in the following 5 urban centers: Nairobi, Mombasa, Kisumu, Kakamega and Nyeri. We summarized records over a period of five years (2009-2014). We also collected views concerning gun related violence in the community in Nairobi, Mombasa and Kisumu.

### RESULTS

#### 1. KEY FINDINGS FROM POSTMORTEM RECORDS

##### (a) Number of Deaths

Fig 1. Number of autopsies for gunshot deaths



The number of gunshot related deaths was more than 350 for each year of study. The peak occurrence (385) was in 2010 (Fig.1)

##### (b) Distribution of Firearm deaths by site of autopsies

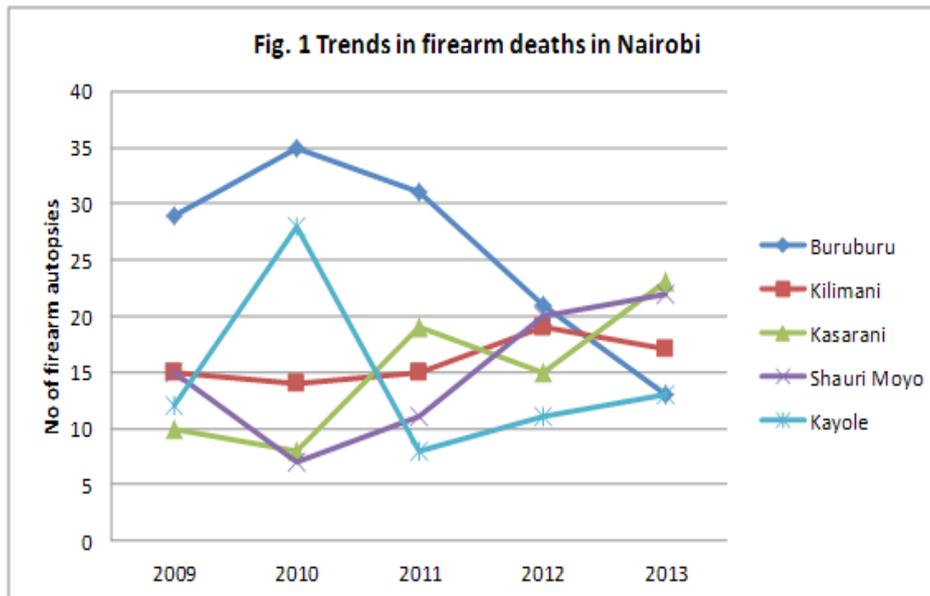
Majority (86%) of the deaths were reported from Nairobi. Mombasa was a distant second with less than a fifteenth of the number recorded for Nairobi (table 1). Kisumu, Eldoret, Nyeri and Kakamega were next in that order.

Table 1

Site	Frequency	Percent (%)
Eldoret	50	2.7
Kakamega	19	1.0
Kisumu	62	3.3
Mombasa	106	5.7
Nairobi	1611	86.0
Nyeri	25	1.3
<b>Total</b>	<b>1873</b>	<b>100.0</b>

##### (c) Nairobi reported the highest number of cases

The records for the top reporting stations depict an increasing trend for Kilimani, ShauriMoyo, Kilimani and Kasarani.



**(d) Day of week of event**

Firearm deaths were spread across all the days of the week with peak (17.6%) occurrence on Sunday (table 9). The fewest deaths were reported on Tuesdays (11.6%).

Table 2

Day	Frequency	Percent
Monday	237	12.7
Tuesday	218	11.6
Wednesday	287	15.3
Thursday	269	14.4
Friday	293	15.7
Saturday	238	12.7
Sunday	330	17.6
<b>Total</b>	<b>1872*</b>	<b>100.0</b>

**Time of day of event**

Where the time was indicated, most deaths (63.5%) occurred at night.

Table 3

	Frequency	Percent
Day	397	21.3
Night	691	37.0
Unspecified	780	41.8
<b>Total</b>	<b>1868</b>	<b>100.0</b>

Table 5

Characteristic		Male (%)	Female (%)	Total (%)
Manner of death	Homicide	1765 (97.4)	44 (97.8)	1809 (97.4)
	Suicide	19 (1.0)	0	19 (1.0)
	Accident	7 (0.4)	0	7 (0.3)
	Unspecified	22 (1.2)	1 (2.2)	23 (1.2)
	<b>Total</b>	<b>1811</b>	<b>45 (100.0)</b>	<b>1856</b>
Circumstance of death	Robbery/theft	815 (45.0)	23 (52.3)	838 (45.2)
	Gang crime	148 (8.20)	1 (2.3)	149 (8.0)
	Family violence	0	2 (4.5)	2 (0.1)
	Unclear/Unknown	849 (46.9)	18 (40.9)	867 (46.7)
	<b>Total</b>	<b>1812 (100)</b>	<b>44 (100)</b>	<b>1858 (100)</b>

**Scene of shooting event**

Majority of firearm events occurred in a public place (43.3%). Deaths in business premises and homes accounted for 3.3% and 6.1% of all cases reported (table 11).

Table 4

Scene	Frequency	Percent
Home	115	6.1
Public place	810	43.3
Business Premise	61	3.3
Street/Highway	203	10.8
Other	683	36.5
<b>Total</b>	<b>1872</b>	<b>100.0</b>

**Manner and Circumstances of death**

Majority of the deaths (97.3%) were homicides (table 13). Suicides and accidental shootings accounted for 1.0% and 0.3% of deaths respectively. The circumstances of shooting fatalities were not determined for majority (46.7%) of cases. Where information was available, almost all shooting fatalities occurred in the setting of robbery and/or organized gang crime.

### Victim perpetrator relationship

Most gun deaths (67.0%, n = 1252) were by law enforcement agents (fig. 2) followed by robbers/thugs and undetermined in 13.9% and 17% of cases respectively. The proportion of gun deaths due to police shooting was highest in Nairobi (68.5%) and lowest in Kakamega (26.3%) although the latter site also had the highest number of undetermined perpetrators. Police officers were responsible for 64% of male deaths and 36.3% of female deaths (Table 15).

The average age of the victims was 28.3 years ± 9.1 years. The peak age (47.3%) was 20-29 years (Fig. 3). Majority (97.5%, n = 1811) were male including all the nineteen suicidal and seven accidental deaths (table 13).

Fig. 3: Age profile of victims of gun deaths

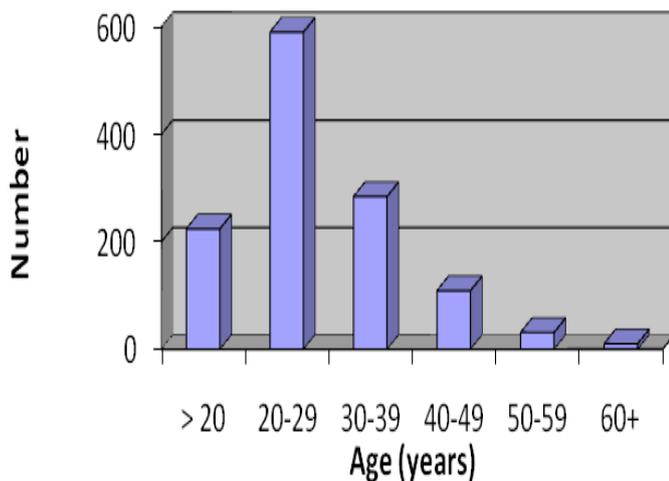
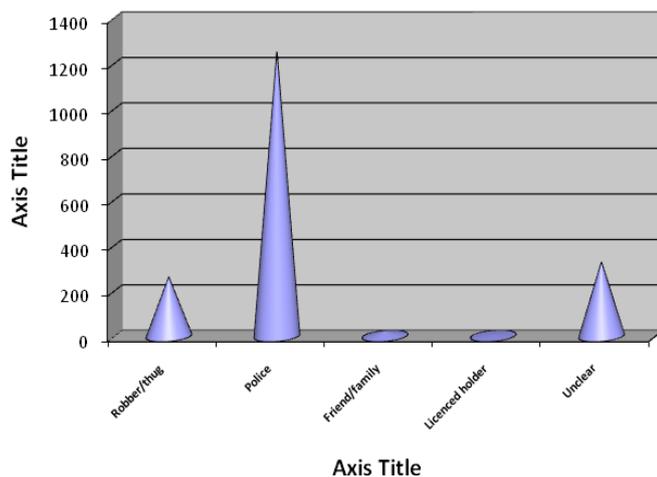


Fig. 2 Perpetrator identities in firearm deaths



### Circumstances of Police Involvement

The circumstance of police involvement and their reason for shooting not recorded in more than 60% of the cases (table 16). The most common documented circumstance was response to robbery (Table 2) while the common reason for shooting was in response to the decedent shooting at them (Table 3).

The police were involved in 68% of homicides, 76.2% (17 deaths) of suicides and 71.4% of accidental firearm deaths. As stated earlier, males outnumbered females in accidental firearm deaths.

Table 6

Circumstance	Frequency	%
Responding to robbery in public place	517	31.3
Restoring public order	61	3.3
Responding to a distress call	19	1.0
Car jacking	26	1.4
Victims armed	69	3.7
Unspecified	1176	63.1
<b>Total</b>	<b>1868*</b>	<b>100.0</b>

### Reason for police shooting

Table 7

Reason for shooting	Frequency	%
Decedent shooting	184	9.9
Decedent pointing firearm at police	14	0.7
Officer outnumbered by armed persons	6	.3
Other	400	21.4
No reason given	1264	67.7
<b>Total</b>	<b>1868*</b>	<b>100.0</b>

### Firearm accidental deaths

Seven persons were killed 'accidentally' in this study. Majority of the victims were male, killed by law enforcement agents. Five were killed by a single bullet, one (1) by two bullets while one unique case had twelve (12) bullets. Documentation of this particular death did not reconstruct the circumstances.

### Firearm suicides

The proportion of firearm deaths attributable to suicide was 19 (1%). This is in big contrast to the figures from the developed countries where more people are killed by suicide each year than by homicides and war. The top countries in terms of gun ownership feature prominently in the list leading suicide countries. In Switzerland, three to four people take their lives every day (annual suicide rate of 19.1 per 100,000). In the USA 58% of suicides (annual suicide rate of 11.1 per 100,000) are committed using a gun (Swiss Info, 2014). In this study, majority of gun suicide deaths (17) occurred among law enforcement officers.

### Critical Forensic features were missing from the medical records

1. Wound sizes were missing in 75% (1,413 cases) of the cases
2. Description of the wound shapes was missing in over 80% of cases
3. The range, which is important in determining the distance between the shooter and the victim was missing in over 90% of the cases.
4. There were no pictures or illustrations in majority of the autopsy records

### Recommendations

1. Community level interventions
  - (a) Effect changes in policing strategies to facilitate programs featuring cooperation between law enforcement, communities and their leaders.
  - (b) Creation of safe neighborhood programs through monitoring of gun availability, place and time guns are used, and youth empowerment through education, community activities and occupational interventions
2. Policy and practice recommendations
  - (a) Appraisal of the current death investigation system to allow a professional and independent process through enactment of the Coroner's Bill.
  - (b) Redesign of the prescribed police postmortem form to include critical witness statements and police reports to accompany injury findings.
  - (c) Develop quality management procedures for the practice of forensic medicine to ensure comprehensive and standard reporting,
  - (d) Adopt evidence based approach by encouraging research to understand behavioral, social and environmental triggers of violence.
  - (e) Develop a digital central repository for all gun deaths (and violent deaths) to allow surveillance of trends.

### Key points from this study

1. We analyzed 1, 873 deaths resulting from gunshot wounds over a period of 5 years (2009-2013)
2. Majority of these deaths, 67% (1, 252) occurred in the course of law enforcement interventions. 260 deaths were caused by armed robbers.
3. Inadequate documentation could not allow perpetrator identification in over 200 cases.
4. Majority of persons dying from law enforcement interventions are youths age 20-29.
5. These shootings are poorly accounted for as seen with:
  - (a) Circumstances of police involvement were unclear or absent in over 60% of fatal shootings.
  - (b) The reason for firing a gun by police officers not given in over 65% of shootings.
6. There are serious gaps in documentation of critical forensic findings at autopsy.



**Independent Medico-Legal Unit**  
A Just World Free From Torture

David Osieli Road, Off Old Waiyaki Way, Westlands  
P.O. Box 1271-00606 Sarit Centre, Nairobi Kenya.

Tel: +254 20 4450598,  
Mobile: +254724256800,  
Email: [medico@imlu.org](mailto:medico@imlu.org)  
Website: [www.imlu.org](http://www.imlu.org)  
Twitter: @IMLU\_org

Facebook Page: Independent Medico