



DIRECTORATE OF INVESTIGATION AND ASSET TRACING

MONTHLY REPORT, JULY 2009

Introduction

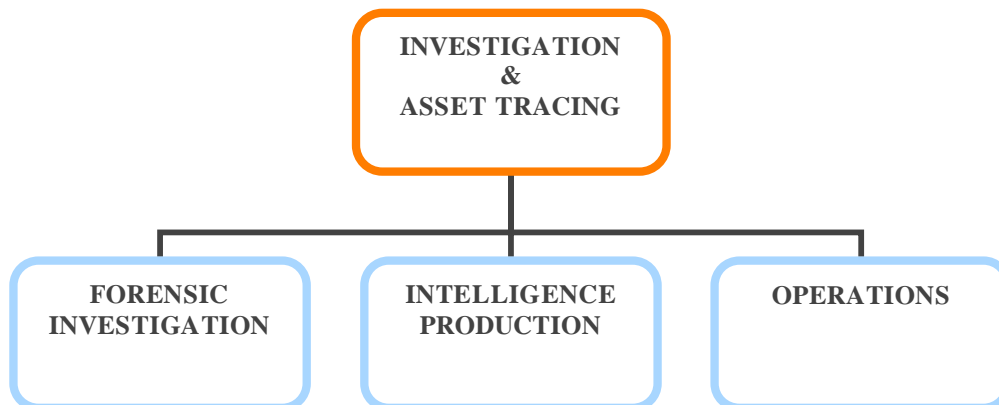
The Directorate of Investigation and Asset Tracing is one of the four Directorates of the Kenya Anti-Corruption Commission. The functions of the Directorate are to;

- Investigate Corruption and Economic Crimes as stipulated in the Anti-Corruption and Economic Crimes Act (2003).
- Investigate the extent of liability, loss or damage to any public property for purposes of recovery or compensation,
- Investigate and trace the whereabouts of corruptly acquired assets for purposes of recovery.
- Assist any law enforcement agency in the country in investigation of corruption or economic crimes.

The Directorate was reorganised into three Departments, namely; Operations, Forensics and Intelligence.

- i. Operations- comprising two divisions; Reports Centre and Rapid Response,
- ii. Forensics- comprising three divisions; Preliminary Investigation, Forensic Investigation and Asset Tracing,
- iii. Intelligence- comprising two divisions: Analysis, Production and Collection

Structure of the Directorate



Mombasa Office

The Mombasa Regional Office, which is under the Directorate of Investigation and Asset Tracing, commenced operations on 4th July 2007. All the three Departments of the Directorate, namely; Forensic Investigation (FI), Operations (OPS) and Intelligence Production (IP) are represented.

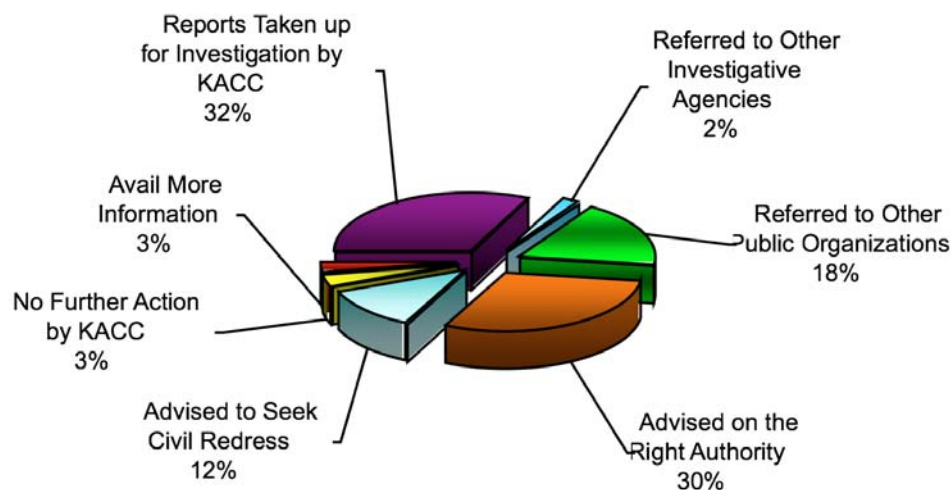
Reports Centre – Nairobi

During the month of **July 2009**, the Reports Centre Division processed **375** reports as compared to **382** in **June**. The number of cases received has increased slightly with the relevance of cases that falls within the Commission's mandate remaining on average **31.6%** for the year.

After analysis and classification the reports were disposed off as follows:

- The Commission took up for investigation **120** reports which were found to be within its mandate. The Intelligence Production Department accounted for **66** of the reports; the Operations Department took up **40**, while the Forensics Department took up the remaining **14**.
- **7** reports were forwarded to other investigative agencies for action with the Criminal Investigations Department accounting for **3**, Kenya Revenue Authority **3** and the Immigration Department **1**.
- The Commission referred **69** other reports to various Public Service Organisations for administrative intervention.
- In **44** reports the complainants were advised to seek civil redress.
- In **112** reports the complainants were advised on the right authority to report to.
- **13** reports did not disclose offences requiring intervention and were marked for No Further Action (NFA).
- In the remaining **10** reports, the complainants/informers were requested to avail more information.

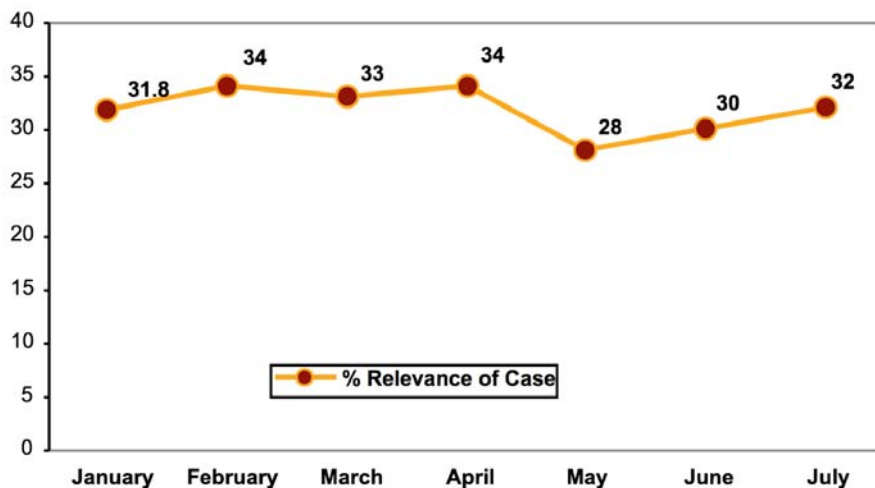
Categorization of reports processed by KACC in July 2009



Breakdown of Reports Processed.

	Category	Referral Agency	No. of cases	Total
1	Reports taken-up for action by KACC	KACC - Intelligence Productions	66	120
		KACC – Rapid Response	40	
		KACC – Forensics	14	
2	Reports Forwarded to Other Investigative Agencies	Criminal Investigations Department	3	7
		Kenya Revenue Authority KRA	3	
		Immigration Department	1	
3	Reports Forwarded to Other Public Service Organisations	CDF National Management Committee	17	69
		Ministry of Basic Education	15	
		Provincial Administration	5	
		Ministry of Medical Services	4	
		Public Procurement Oversight Authority	3	
		Ministry of Higher Education	3	
		Department of Lands	2	
		Ministry of Local Government	2	
		Other Organizations	18	
4	Advised to Pursue the Matter in Court			44
5	Advised on the right authority to report matter to			112
6	Complainants to Avail More Information			10
7	No Further Action by KACC			13
Total				375

Percentage Relevance of Cases Received for the past 7 months



Reports Centre - Mombasa

Total number of cases received and processed in the month of **July 2009**, at the Reports Centre Division were **44**. Disposal after analysis is as follows:-

- **11** reports were within KACC's mandate. **1** of the cases went to Intelligence Production, **6** to Forensic and **4** was taken by Rapid Response. In **1** report the complainant is to furnish more details.
- **6** cases were referred to the other government bodies/agencies.
- **26** advised accordingly

Breakdown of Reports Processed.

S/No	Category	Referral Agency/Department	No of Cases	Total
1	Cases taken up for action by KACC	Intelligence Production	1	12
		Rapid Response	4	
		Forensic	6	
		Avail more details	1	
2	Referred to other Investigative Agencies	Kenya Revenue Authority	1	3
		PPO, Coast	1	
		PCIO, Coast	1	
3	Referred to Public Organisations	Mombasa Municipal Council	1	3
		Provincial Commissioner	1	
		Mombasa Water & Sewerage Company	1	
4	Advised	Pursue the matter in court	7	26
		Right authority to report	19	
TOTAL				44

Forensic Investigation – Nairobi

Summary of Cases as at 31st July 2009

Below is a tabulation of cases and their respective status handled by the Department in the month of July 2009.

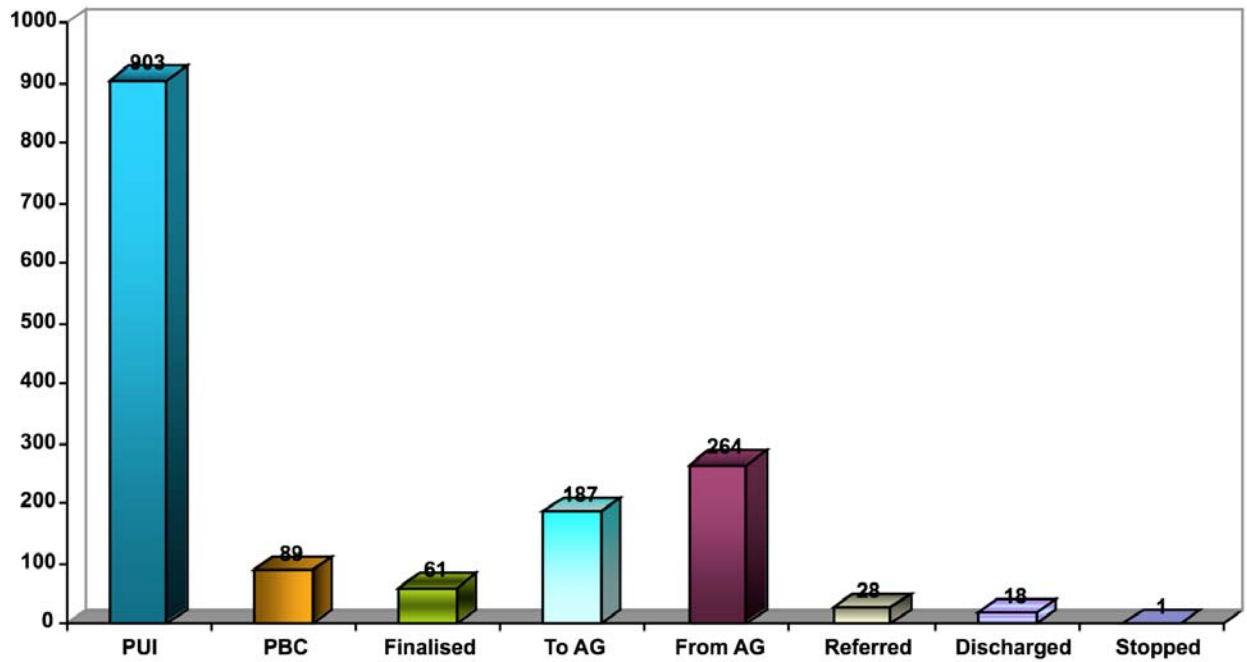
Item	Description	No. of Cases	
		Segment	Total
1.PUI	Cases Pending Investigation	578	903
	Completed Files with the Crime Reader	47	
	Cases Pending Allocation for Investigation	278	
2.PBC	Cases Pending Before Court (PBC)	87	89
	PBC with Part Discharges	1	
	PBC With Prohibition Orders	1	
3.FINALISED	Cases finalised before court:		
	- Convictions	14	61
	- Acquittals	13	
	- Discharges	34	
	- 'Nolle prosequi'	-	
4. To A-G	Files Sent to A-G		
	With Recommendation to Prosecute	39	187
	With Recommendation for Closure	77	
	With Recommendation for Administrative Action	12	
	After Further Investigation	5	
5. From A-G	Attorney-General Advice		
Advice	- To Prosecute	50	264
	- For Closure	125	
	- For further Investigation	25	
	- Administrative Action	60	
	- Consolidated Files	4	
6.REFERRED	Cases Referred to Other Agencies	28	28
7.DISCHARGE	Discharges under s. 87(a) for New Charges	18	18
8.STOPPED	PUI Cases stopped by Court injunctions	1	1

Case Output for the month of July 2009

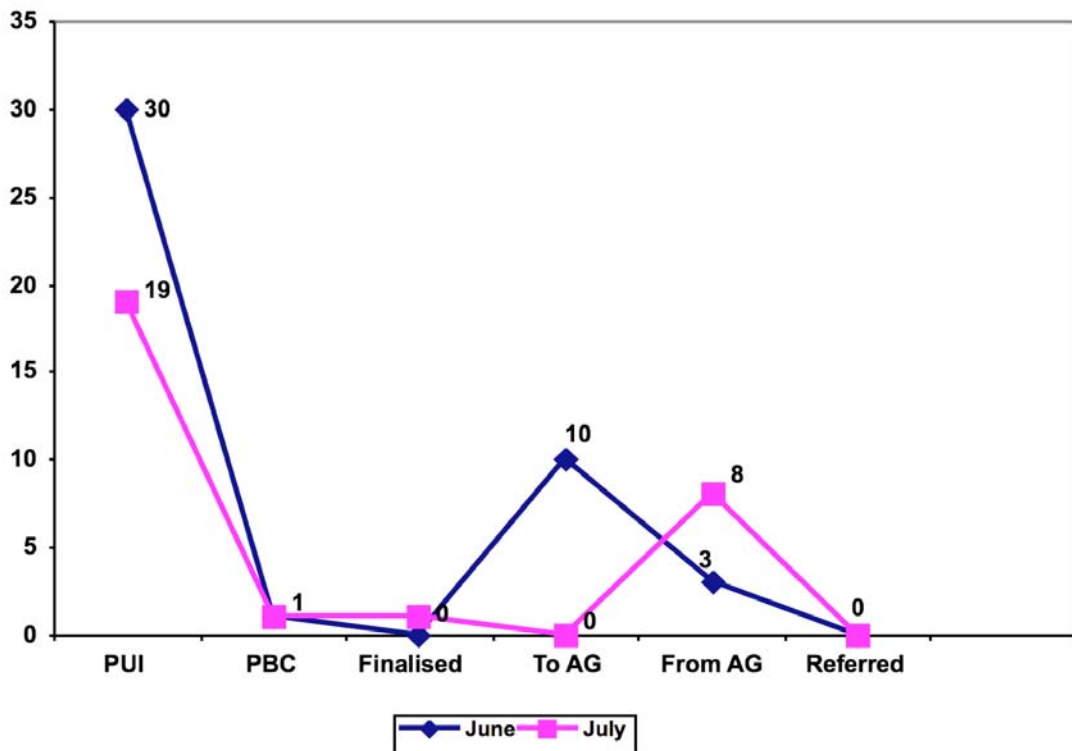
Item	Description	No. of Cases	
		Segment	
1.PUI	Cases Pending Investigation		
	Cases Received for Investigation	10	19
	Cases Assigned for Investigation	6	
	Completed Files Forwarded to Crime Reader	3	
2.Pbc	Cases Taken to Court:		
	- Cases Taken for Plea	1	1
3.Finalised	Cases Finalized Before Court:		
	- Convictions	1	1
	- Acquittals	-	
	- Discharges	-	
	- 'Nolle prosequi'	-	
4.TO A-G	Files sent to the Attorney-General:		
	- With Recommendation to Prosecute	-	
	- With Recommendation for Closure	-	
	- With Recommendation for Administrative Action	-	
	After Further Investigations	-	
5. From A-G	Files Received from the Attorney-General		
Advice	To Prosecute	2	8
	To Close Due to Insufficient Evidence	3	
	For Administrative Action	1	
	For Further Investigation	2	
	To Consolidate	-	
6.REFERRED	Cases Referred to Other Agencies	-	-
7.REPORTS	Investigation Reports Prepared For Action	-	-

* Bribe demand cases not included.

Graphical Representation of the Cases as of 31st July 2009



Comparative Analysis of Cases processed in June and July 2009



Forensic Investigation – Mombasa

The table below shows the activities of the Department in the period under review.

Item	Description	No of cases	Total
Cases	New cases received	6	6
1.PUI	Cases Pending allocation for Investigation	3	8
	Cases Assigned for Investigation	3	
	Completed Files Forwarded to Crime Reader	2	
2.PBC	Cases Taken to Court:	-	0
	- Cases Taken for Plea	-	
3.Finalised	Action taken	-	
	- Convictions	-	
	- Acquittals	-	
	- Discharges	-	
	- 'Nolle prosequi'	-	
	- Recommended for Administrative action	-	
4.TO A-G	Files sent to the Attorney-General:	-	0
	- With Recommendation to Prosecute	-	
	- With Recommendation for Closure	-	
	- With Recommendation for Administrative Action	-	
	After Further Investigations	-	
5. From A-G	Files Received from the Attorney-General		1
	To Prosecute	-	
	To Close Due to Insufficient Evidence	-	
	For Administrative Action	1	
	For Further Investigation	-	
	To Consolidate	-	
6.REFERRED	Cases Referred to Other Agencies		0
7.REPORTS	Investigation Reports Prepared For Action	2	2

Rapid Response – Nairobi

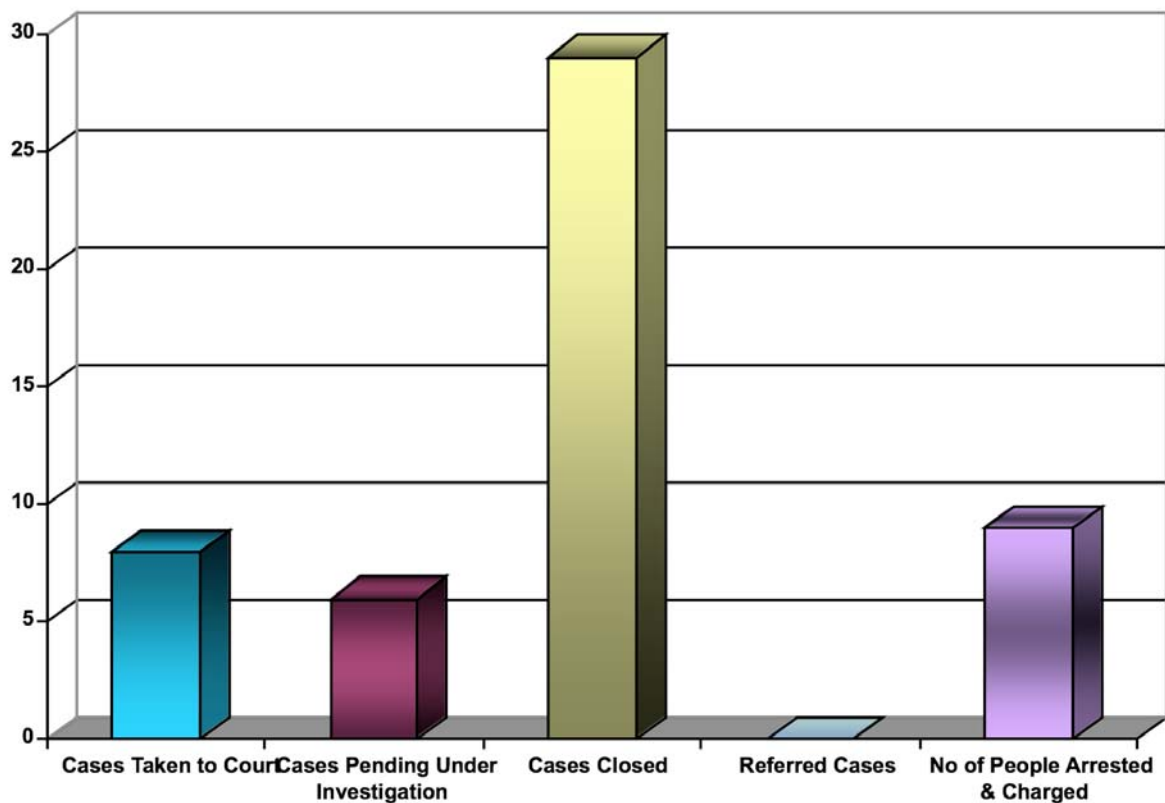
Summary of Cases Received in July 2009

Below is a tabulation of cases and their respective status handled by the Department in July 2009

New cases received During the Month

Category		Status	Previous	July	TOTAL
			No	No	
1.	Bribery	Number of cases taken to court	0	8	8
		Cases pending under Investigations	4	2	6
		Cases Closed, No Further Action	7	22	29
		Cases referred			
		PAKA			
2.	Sting				
TOTAL					
Number of persons arrested and charged					9

Graphical Representation of the cases processed.



Running Summary of Cases in 2009

The summary below shows the cumulative total number of cases dealt with by the Rapid Response Division-Nairobi from January-July 2009.

	Status	Jan	Feb	Mar	April	May	June	July	Total
1 Bribery	Number of cases taken to court	3	7	5	5	1	7	9	37
	Cases Closed, No Further Action	17	11	39	20	17	18	29	151
	Cases Referred	0	2	4	3	1	0	0	10
	Number of Persons arrested and charged	3	8	7	6	0	0	9	33
	Cases Pending Under Investigation								6

Rapid Response – Mombasa

The following table gives the summary for July 2009.

Category		Status	No. of cases
1	New Cases received	PBC	1
		PUI	1
		Cases Closed, NFA	2
Total			4
Number of persons arrested and charged			1
Cases taken to court During the Month			1
Convictions			-
Acquittals			-

Other Activities during the Month of July 2009

Besides, the operation duties officers in the above division were also involved in;-

1. Forensic investigation, particularly asset tracing on the following irregularly acquired parcels of land: Tononoka Social Hall Block XVII/1422, Road reserve L. R No. 556/ XIII/MI, Block XVI/ (1091) Road Reserve, Grabbed school land Majaoni Primary School.
2. Investigation into allegations that KRA customs department auctioned a container containing two motor vehicle units, computers and personal effects as towels. Hence fetching lower duty.

Running Summary of Cases in 2009

	Status	Jan	Feb	Mar	April	May	June	July	Total
Bribery	Number of case taken to Court	1	-	1	1	-	-	-	3
	Cases closed. No further action	2	4	1	3	1	1	2	14
	Cases referred		-	1	-	-	-	-	1
	Number of Persons arrested and charged	2	-	1	1	-	-	-	4
	Cases Pending under investigation							1	1

Intelligence Production Department- Nairobi

The following report outlines the activities undertaken by Intelligence Production Department during the month under review.

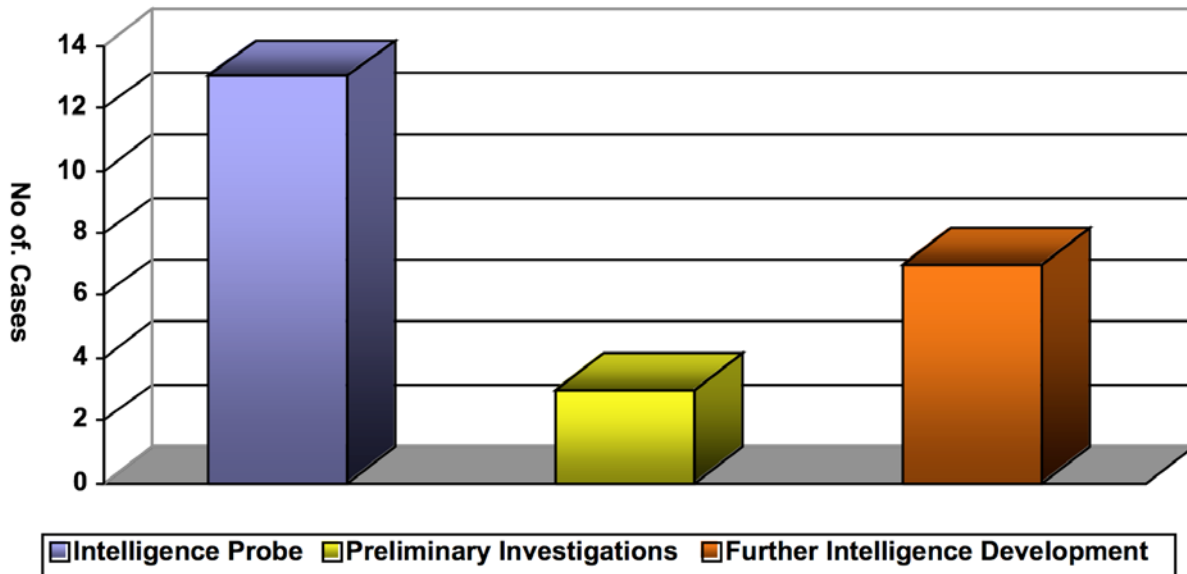
Reports

The Department received **20** reports from the Report Centre and **17** Intelligence Reports (IR) from various officers within the commission in the month of July 2009 and were distributed for action as follows:-

Breakdown

Item	Sources	No of Reports	Total
Reports Received	Report Centre	20	37
	Confidential Sources	17	
Handling of the Reports			
	Task	Division	No of Reports
1	Intelligence Probe	New tasks to Collection Division	10
		Tasks completed during the month	3
2	Preliminary Investigation	Preliminary Investigation	3
3	Further Intelligence Development	Analysis and Production	7

Graphical Representation of Handling of Cases



Intelligence Production – Mombasa

The following report outlines the activities undertaken by Intelligence Production Department during the month under review.

Reports

The Department received **1** report from the Reports Centre and **1** from confidential sources.

Activities of the month

Officers of the Department:

1. Jointly with Forensic Department, continued investigations regarding illegal importation of over-age used motor vehicles by a cartel of importers, clearing agents, Kenya Bureau of Standards and Kenya Revenue Authority officers in contravention of Kenya Bureau of Standards regulation KS 1515: 2000.
2. Conducted a joint sting operation with Rapid Response in which **32** used motor vehicles which had been imported irregularly were impounded. This brings the number of motor vehicles sized by the Commission to **52** with an estimated value of around kshs **43** million.
3. Completed a forensic investigation conducted jointly with forensic investigations officers into fraudulent acquisition of a road reserve within Kenya Ports Authority.
4. Filed a report regarding bribery at Mariakani Weigh Bridge. Findings were that despite its privatisation, bribery continues unabated.
5. Continued with Investigations into allegations of misappropriation of CDF funds in Lamu West Constituency.

Breakdown

Item	Sources	No of Reports	Total
Reports Received	Report Centre	1	2
	Confidential Sources	1	
Handling of the Reports			
	Task	Division	No of Reports
1	Intelligence Probe	New tasks to Collection Division	1
		Tasks completed during the month	2
2	Preliminary Investigation	Preliminary Investigation	1
3	Full Investigation	Forensic Investigation	1