



DIRECTORATE OF INVESTIGATION AND ASSET TRACING

MONTHLY REPORT, MARCH 2009

Introduction

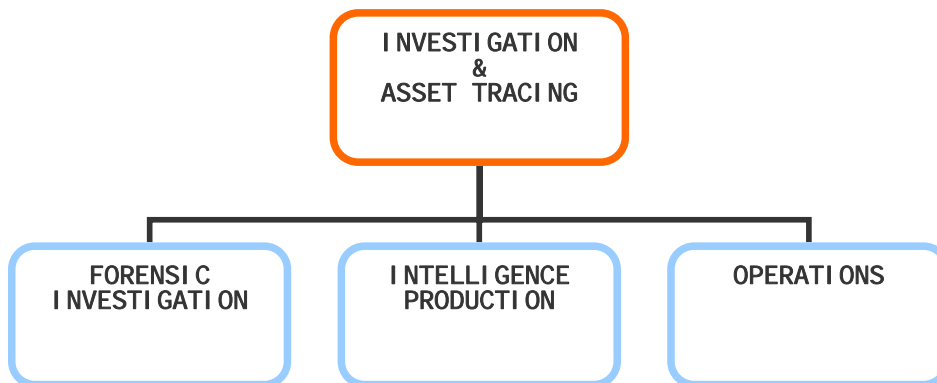
The Directorate of Investigation and Asset Tracing is one of the four Directorates of the Kenya Anti-Corruption Commission. The functions of the Directorate are to;

- 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.

In March 2009, 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 June 2007. All the three Departments of the Directorate, namely; Forensic Investigation (FI), Operations (OPS) and Intelligence Production (IP) are represented.

Reports Centre – Nairobi

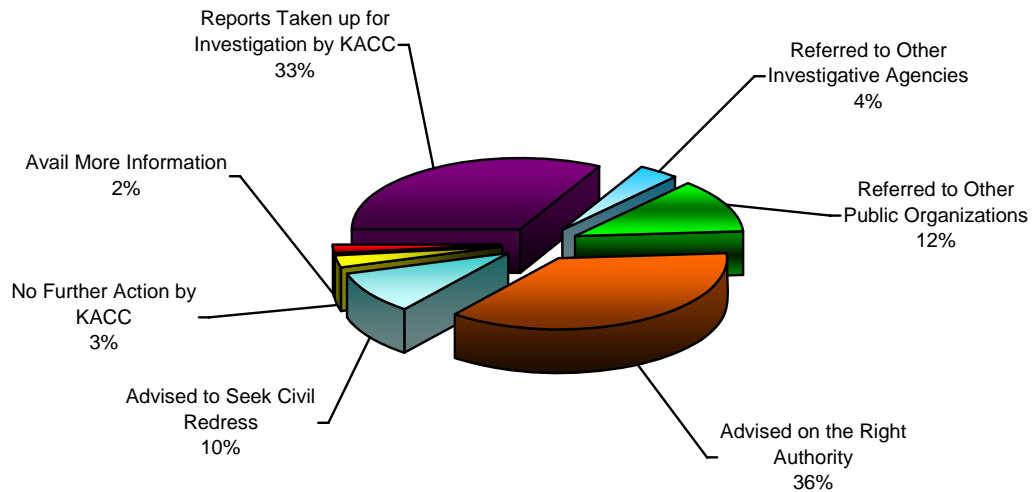
During the month of **March 2009**, the Reports Centre Division processed **446** reports as compared to **309** in February 2009. The number of cases received and processed has significantly increased by an

impressive **137** cases or **31%**. The percentage relevance of cases received has also maintained at an average of **33%**. This is a clear indication that the reports centre is processing more cases that are within the Commission’s mandate.

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

- The Commission took up for investigation **146** reports which were found to be within its mandate. The Intelligence Department accounted for **73** of the cases, Operations Department took up **47** cases, Forensics Department took up **23** cases while the Preventive Services and Legal Services Directorates took up **2** and **1** case respectively.
- **17** cases were forwarded to other investigative agencies for action with the Criminal Investigations Department accounting for **6**, Kenya Revenue Authority **4**, Police **5** and Immigration **2**.
- The Commission referred **55** other reports to various Public Service Organisations for administrative intervention,
- In **43** reports the complainants were advised to seek civil redress,
- In **164** cases the complainants were advised on the right authority to report to
- **12** reports did not disclose offences requiring intervention and were marked for No Further Action (NFA).
- In the remaining **9** reports, the complainants/informers were requested to avail more information.

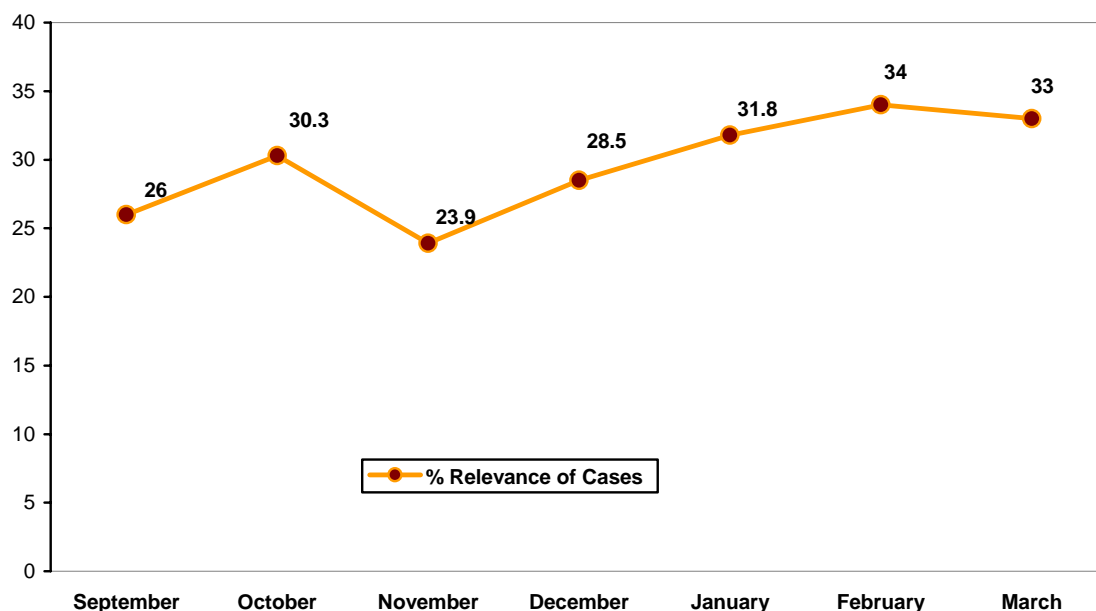
Categorization of reports processed by KACC in March 2009



Breakdown of Reports Processed.

	Category	Referral Agency	No. of cases	Total
1	Reports taken-up for action by KACC	KACC - Intelligence Productions	73	146
		KACC – Rapid Response	47	
		KACC – Forensics	23	
		KACC – Preventive Services	1	
		KACC – Legal Services	2	
2	Reports Forwarded to Other Investigative Agencies	Criminal Investigations Department	6	17
		Police	5	
		Kenya Revenue Authority KRA	4	
		Immigration	2	
3	Reports Forwarded to Other Public Service Organisations	Ministry of Education	14	55
		Ministry of Medical Services	6	
		Public Procurement Oversight Authority	5	
		Ministry of Agriculture	3	
		Ministry of Public Health	2	
		Ministry of local Government	2	
		Ministry of State for Internal Security	2	
		CDF National Management Committee	1	
		Other Organizations	20	
4	Advised to Pursue the Matter in Court			43
5	Advised on the right authority to report matter to			164
6	Complainants to Avail More Information			9
7	No Further Action by KACC			12
Total				446

Percentage Relevance of Cases Received for the past 7 months



Reports Centre - Mombasa

During the month of **March 2009**, the Reports Centre Division processed **35** new reports. Disposal after analysis was as follows:-

- **9** reports were within KACC's mandate. **3** of the cases went to Intelligence Production, **3** were taken by Rapid Response while **3** were referred to Forensic Investigations & Asset Tracing.
- **3** cases were forwarded to the other government bodies/agencies.
- **1** Referred to other public bodies
- **19** advised accordingly
- **2** Asked to provide more details
- **1** No further action (NFA)

Forensic Investigation – Nairobi

Cases Accumulation up to 31st March 2009

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

Item	Description	No. of Cases	
		Segment	Total

1.PUI	Cases Pending Investigation	559	883
	Completed Files with the Crime Reader	42	
	Cases Pending Allocation for Investigation	282	
2.PBC	Cases Pending Before Court (PBC)	80	82
	PBC with Part Discharges	1	
	PBC With Prohibition Orders	1	
3.FINALISED	Cases finalised before court:		
	- Convictions	13	60
	- Acquittals	13	
	- Discharges	34	
	- 'Nolle prosequi'	-	
4. To A-G	Files Sent to A-G		
	With Recommendation to Prosecute	86	171
	With Recommendation for Closure	71	
	With Recommendation for Administrative Action	11	
	After Further Investigation	3	
5. From A-G	Attorney-General Advice		
Advice	- To Prosecute	40	242
	- For Closure	119	
	- For further Investigation	20	
	- Administrative Action	59	
	- 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

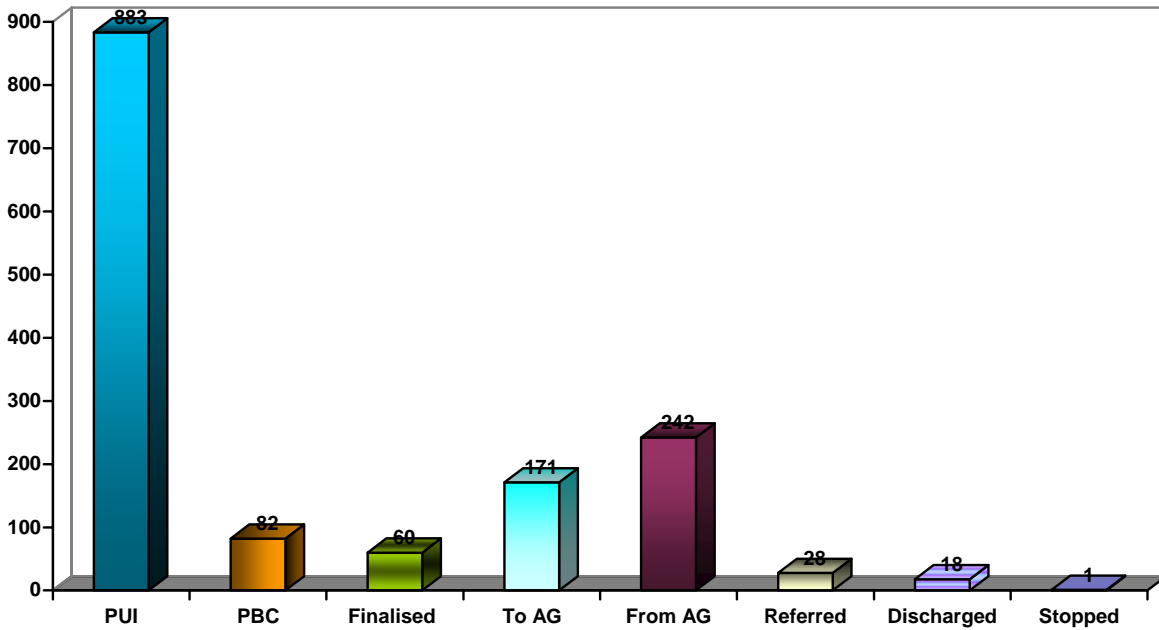
Case Output for the month of March 2009

Item	Description	No. of Cases	
		Segment	
1.PUI	Cases Pending Investigation		
	Cases Received for Investigation	9	25
	Cases Assigned for Investigation	9	
	Completed Files Forwarded to Crime Reader	7	
2.Pbc	Cases Taken to Court:		
	- Cases Taken for Plea	-	-
3.Finalised	Cases Finalized Before Court:		
	- Convictions	-	1

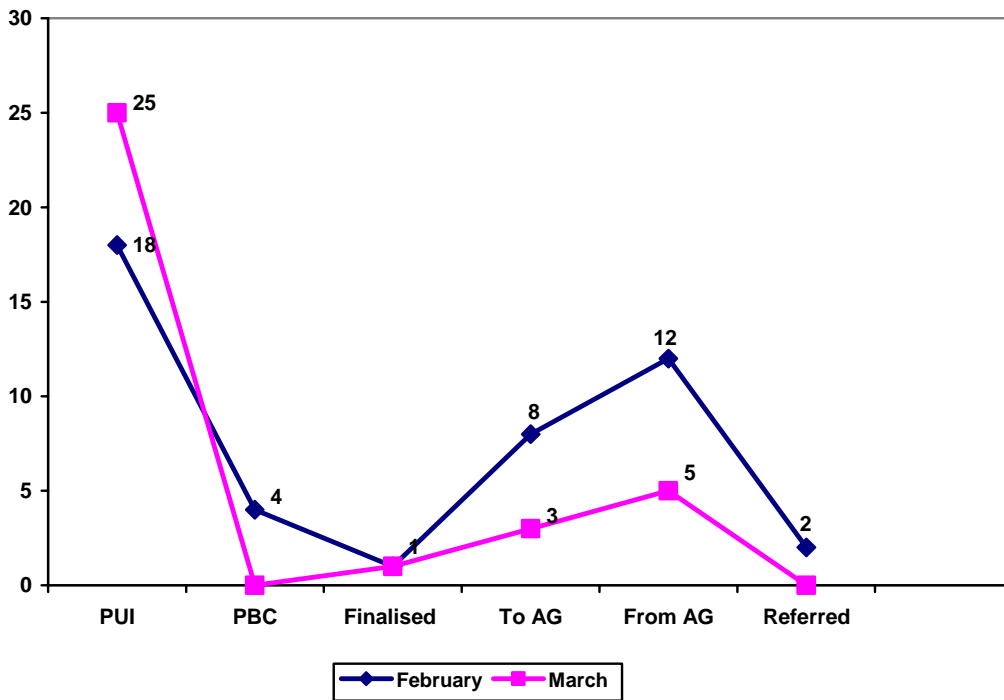
	- Acquittals	1	
	- Discharges	-	
	- 'Nolle prosequi'	-	
4.TO A-G	Files sent to the Attorney-General:		
	- With Recommendation to Prosecute	3	3
	- With Recommendation for Closure	-	
	- With Recommendation for Administrative Action	-	
	After Further Investigations	-	
5. From A-G	Files Received from the Attorney-General		
Advice	To Prosecute	1	5
	To Close Due to Insufficient Evidence	1	
	For Administrative Action	-	
	For Further Investigation	3	
	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 March 2009



Comparative Analysis of Cases processed in February and March 2009



Forensic Investigation – Mombasa

The Forensics Investigations Department in Mombasa received 3 reports for the month of March, 2009. The following table shows how these reports were handled.

Rapid Response – Nairobi

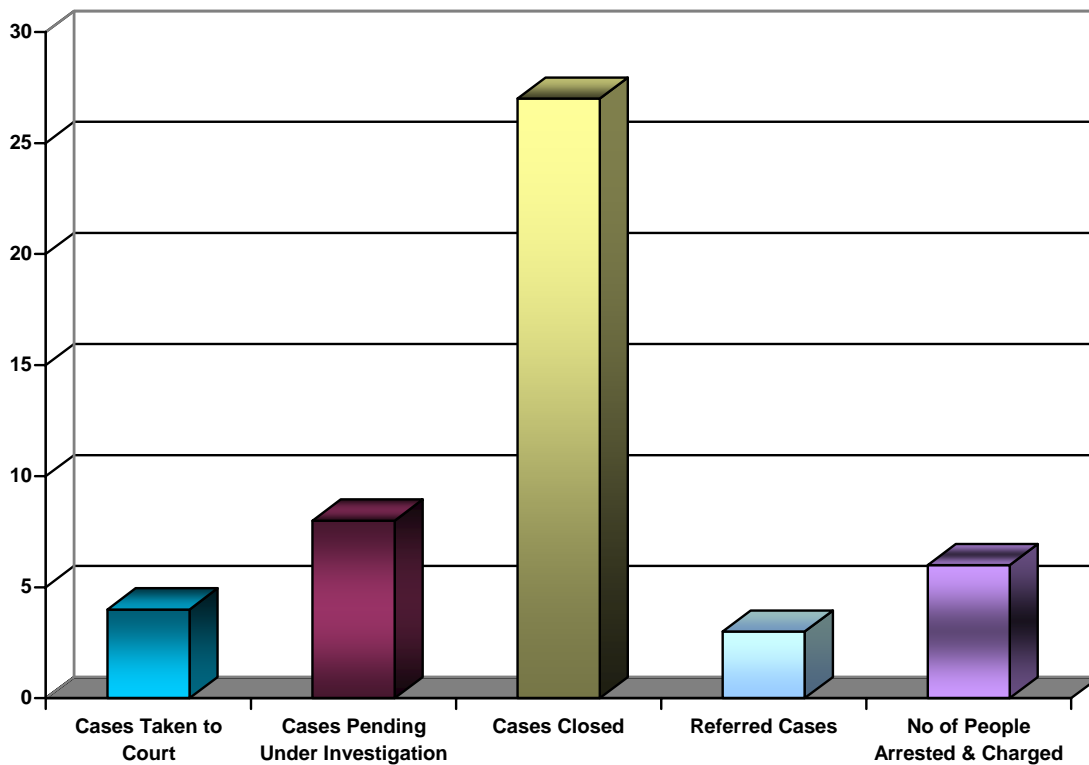
Summary of Cases Received in March 2009

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

New cases received During the Month

Category		Status	No of cases
1	Bribery	Number of cases taken to court	4
		Cases pending under Investigations	8
		Cases Closed, No Further Action	27
		Cases referred	3
		PAKA	1
TOTAL			43
Number of persons arrested and charged			6

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 so far this year.

		Status	Jan	Feb	Mar	Total
1	Bribery	Number of cases taken to court	3	7	5	15
		Cases Closed, No Further Action	17	11	39	67
		Cases Referred	0	2	4	6
		Number of Persons arrested and charged	3	8	7	18
		Cases Pending Under Investigation				9

Rapid Response – Mombasa

The Division received a total of **3** reports. The following table gives the summary.

Category		Status	No. of cases
1	New Cases received	PBC	1
		PUI	0
		Cases Closed, NFA	1
		Cases Referred PCIO	1
Total			3
Number of persons arrested and charged			-
Cases taken to court During the Month			
Convictions			1
Acquittals			1

INTELLIGENCE DEPARTMENT - Nairobi

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

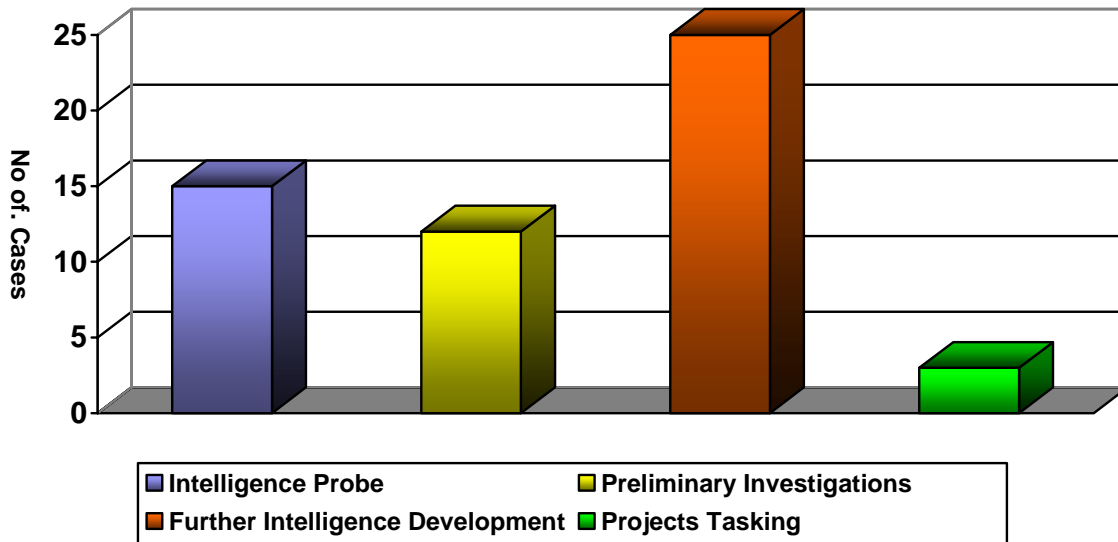
Reports

The Department received **37** reports from the Report Centre and **17** Intelligence Reports (IR) from various officers within the commission in the month of March 2009 and were distributed for action as follows:-

Breakdown of Reports

Item	Sources	No of Reports	Total
Reports Received	Report Centre	37	54
	Confidential Sources	17	
Handling of the Reports			
	Task	Division	No of Reports
1	Intelligence Probe	New tasks to Collection Division	21
		Tasks completed during the month	4
2	Preliminary Investigation	Old cases completed during the month	8
		Preliminary Investigation	5
3	Further Intelligence Development	Analysis and Production	24
4	Intelligence Probe	Mombasa Office	2

Graphical Representation of Handling of Cases



Intelligence Production – Mombasa

Detailed below is the monthly report for the Intelligence Production- Mombasa Office for the month of March 2009

Reports

During the month under review, the Department received **3** reports from the Report Centre.

Breakdown of reports received/generated March 2009.

Item	Sources	No. of Reports	Remarks	Total
Reports Received	Msa Report Centre	3	3 under investigation	3