



DIRECTORATE OF INVESTIGATION AND ASSET TRACING

MONTHLY REPORT, DECEMBER 2009

Introduction

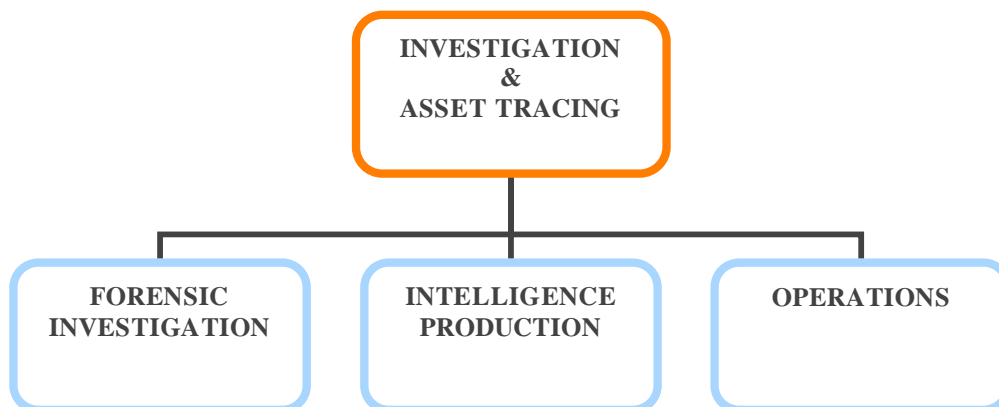
The Directorate of Investigation and Asset Tracing is one of the four Directorates of the Kenya Anti-Corruption Commission. The functions of the Directorate are to;

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

PART I

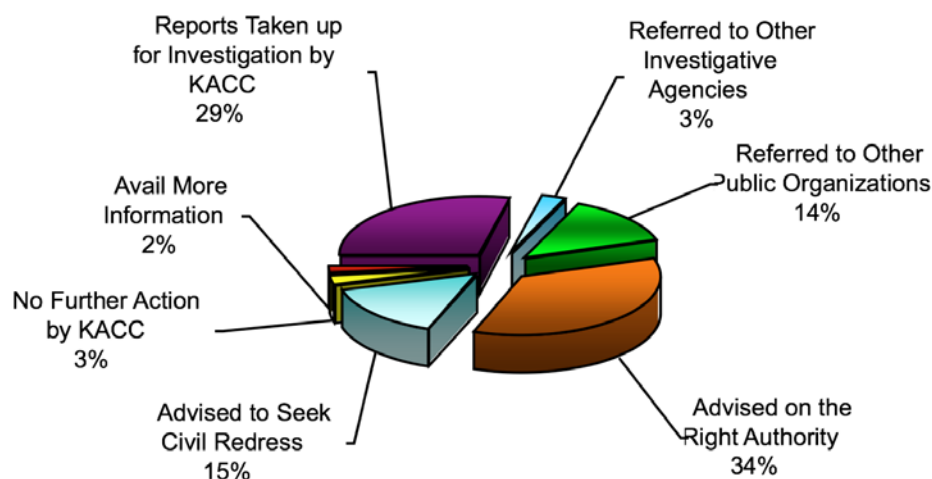
Reports Centre – Nairobi

During the month of **December 2009**, the Reports Centre Division processed **262** reports as compared to **286** in **November**. Though the total number of reports received is still low compared to previous years, the percentage relevance of reports that falls within the Commission's mandate has constantly been on the rise over the past three years from **22.7%** in **2007**, **26.8%** in **2008** and finally **31.2%** in **2009**.

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

- The Commission took up for investigation **75** reports which were found to be within its mandate. The Intelligence Production Department accounted for **31** of the reports; the Operations Department took up **32**, Forensics Department took up **11** reports while the legal department took up the remaining **1** report.
- **7** reports were forwarded to other investigative agencies for action with the Criminal Investigations Department accounting for **5**, the Kenya Revenue Authority **1** and the Immigration Department **1**.
- The Commission referred **36** other reports to various Public Service Organisations for administrative intervention.
- In **39** reports the complainants were advised to seek civil redress.
- In **93** reports the complainants were advised on the right authority to report to.
- **7** reports did not disclose offences requiring intervention and were marked for No Further Action (NFA).
- In the remaining reports, the complainants/informers were requested to avail more information.

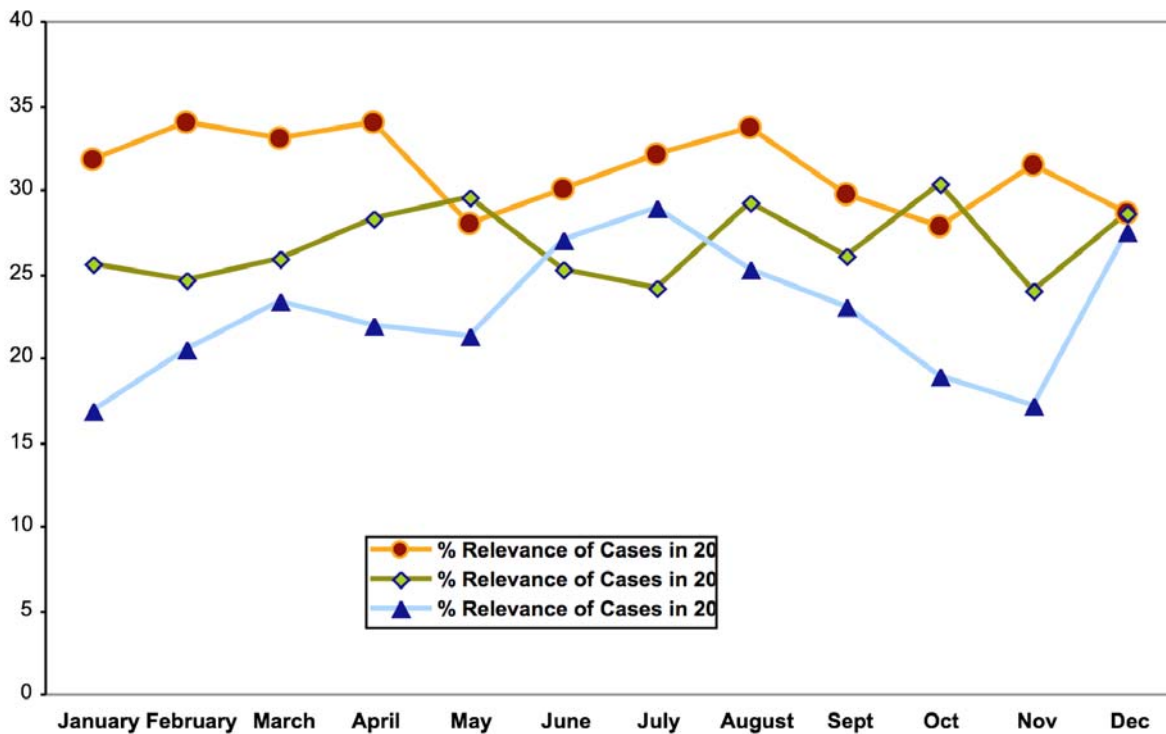
Categorization of reports processed by KACC in December 2009



Breakdown of Reports Processed.

	Category	Referral Agency	No. of cases	Total
1	Reports taken-up for action by KACC	KACC - Intelligence Production	31	75
		KACC – Rapid Response	32	
		KACC – Forensics	11	
		KACC - Legal	1	
2	Reports Forwarded to Other Investigative Agencies	Kenya Revenue Authority KRA	1	7
		Criminal Investigations Department	5	
		Department of Immigration	1	
3	Reports Forwarded to Other Public Service Organisations	Ministry of Basic Education	12	36
		CDF National Management Committee	3	
		Interim Independent Electoral Commission (IIEC)	2	
		Kenya National Audit Office	2	
		Ministry of Agriculture	2	
		Ministry of Higher Education	2	
		Provincial Administration	2	
		High Court of Kenya	1	
		Other Organizations	10	
4	Advised to Pursue the Matter in Court			39
5	Advised on the right authority to report matter to			93
6	Complainants to Avail More Information			5
7	No Further Action by KACC			7
Total				262

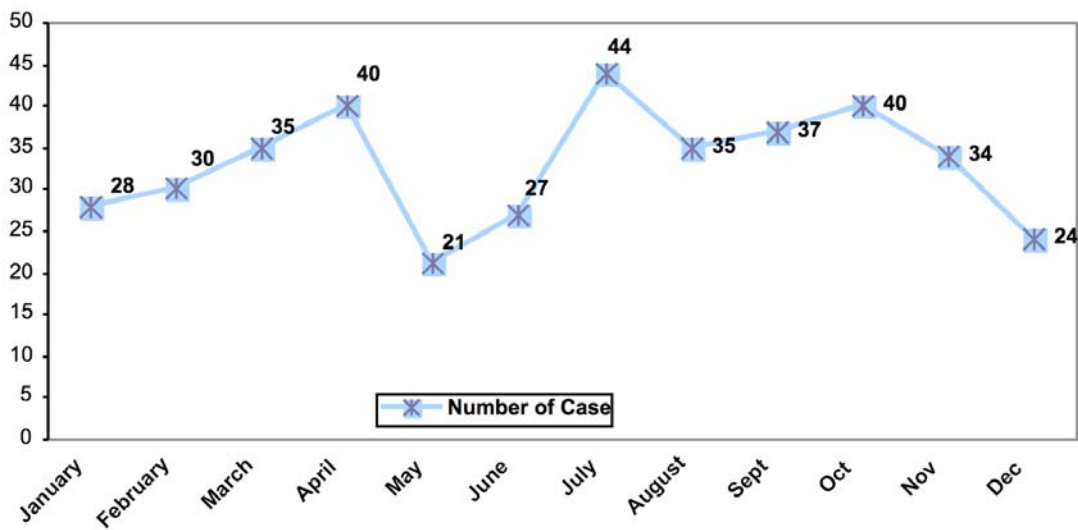
Percentage Relevance of Cases Received for the past 3 years



Breakdown of Processed Reports.

S/No	Category	Referral Agency/Department	No of Cases	Total
1	Cases taken up for action by KACC	Intelligence Production	4	16
		Rapid Response	3	
		Forensic	9	
2	Referred to other Investigative Agencies	KRA	0	3
		PPO	0	
		PCIO	3	
3	Referred to Public Organisations	Ministry of Labour	2	4
		Mombasa Municipal Council	1	
		Ministry of Water Irrigation	1	
4	Advised	Pursue the matter in court	1	1
TOTAL				24

No of Cases received for the past 12 Months.



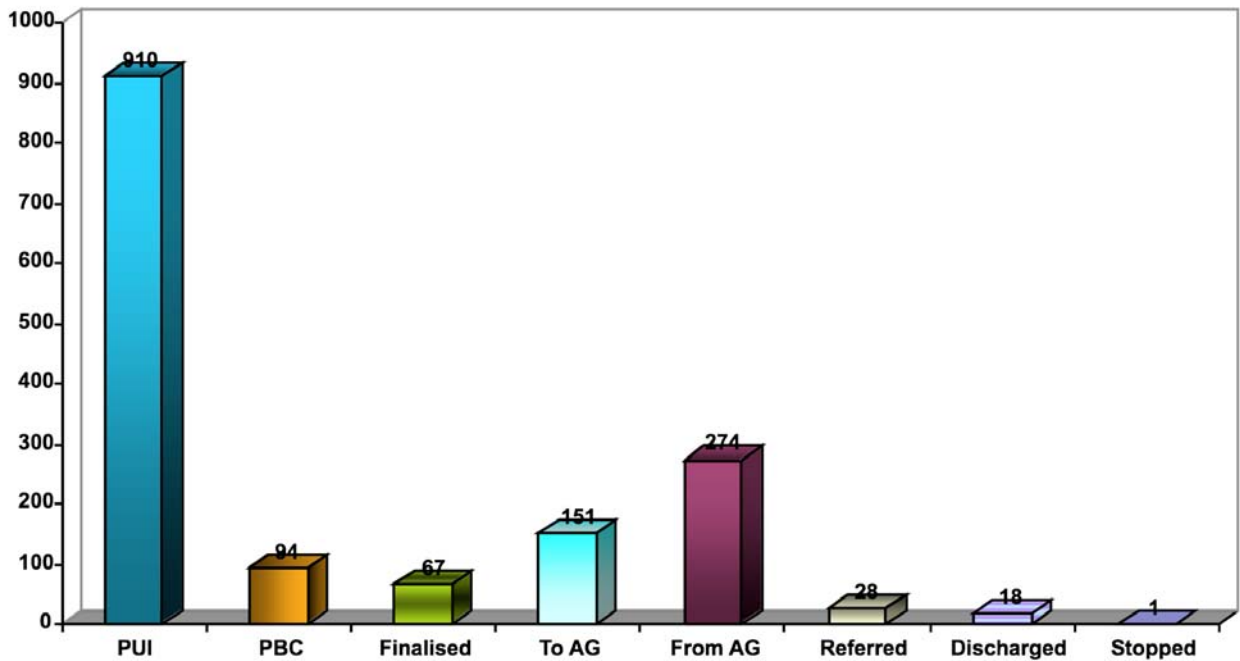
Forensic Investigation – Nairobi Case Output for the month of December 2009

Item	Description	No. of Cases	
		Segment	
1.PUI	Cases Pending Investigation		
	Cases Received for Investigation	5	10
	Cases Assigned for Investigation	5	
	Completed Files Forwarded to Crime Reader	0	
2.Pbc	Cases Taken to Court:		
	- Cases Taken for Plea	2	2
3.Finalised	Cases Finalized Before Court:		
	- Convictions	nil	nil
	- Acquittals	nil	
	- Discharges	nil	
	- 'Nolle prosequi'	nil	
4.TO A-G	Files sent to the Attorney-General:		
	- With Recommendation to Prosecute	3	5
	- With Recommendation for Closure	1	
	- With Recommendation for Administrative Action	nil	
	After Further Investigations	1	
5. From A-G	Files Received from the Attorney-General		
	To Prosecute	5	8
	To Close Due to Insufficient Evidence	1	

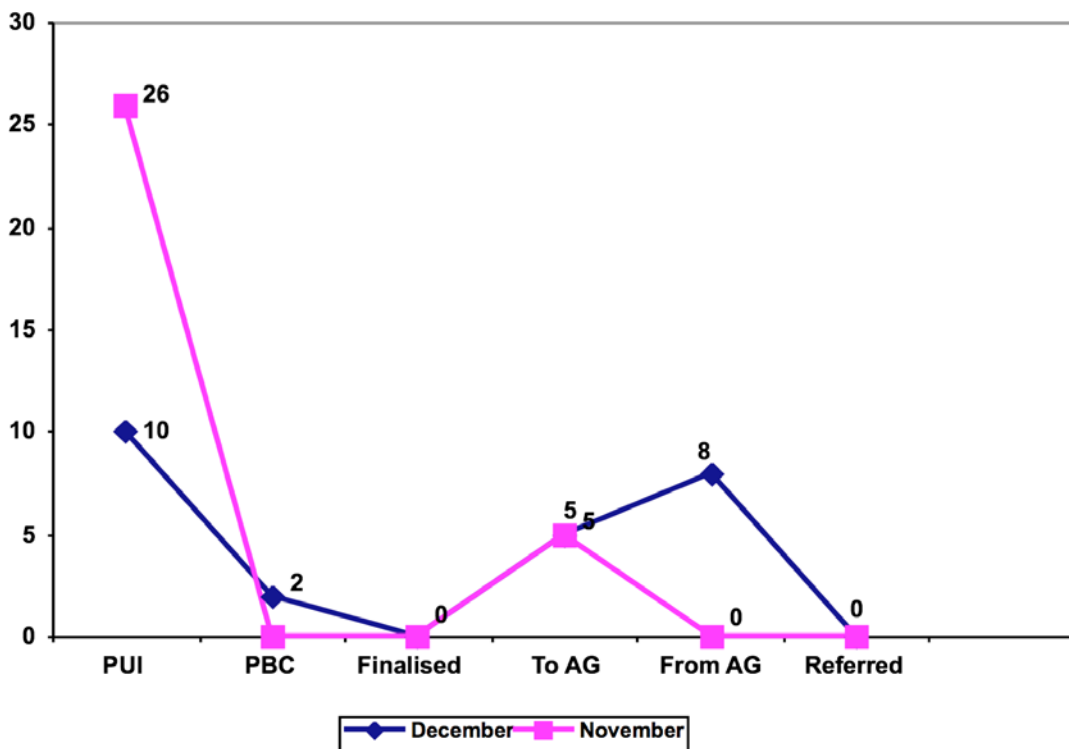
Advice	For Administrative Action	nil	
	For Further Investigation	2	
	To Consolidate	nil	
6.REFERRED	Cases Referred to Other Agencies	nil	nil
7.REPORTS	Investigation Reports Prepared For Action	nil	nil

* Bribe demand cases not included.

Graphical Representation of the Cases as of 31st December 2009



Comparative Analysis of Cases processed in November and December 2009



Forensic Investigation – Mombasa

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

Item	Description/Status	No of cases	Total
1. Cases/ Reports	Case Status/Distribution		27
	New Cases Received during the month	9	
	Cases assigned for Investigations	-	
	Cases under investigations	18	
	Cases awaiting allocation	9	
2.To A-G	Files sent to Crime Reader(s)		
	- With Recommendation to Prosecute	2	
	- With Recommendation for Closure	-	
	- With Recommendation for Administrative Action	-	
	After Further Investigations	-	
3. From A-G	Files Received from the Attorney-General/Crime Reader(s)		
	To Prosecute	-	1
	To Close Due to Insufficient Evidence	-	
	For Administrative Action	-	
	For Further Investigation	1	
	To Consolidate	-	
4. Court	Cases in Court:		
	- Cases Taken for Plea	-	
	- Cases on going	2	
5. Finalised	Action taken		
	- Convictions	-	
	- Acquittals	-	
	- Discharges	-	
	- 'Nolle prosequi'	-	
	- Recommended for Administrative action	-	
6. REFERRED	Cases Referred to Other Agencies	7	

Rapid Response – Nairobi

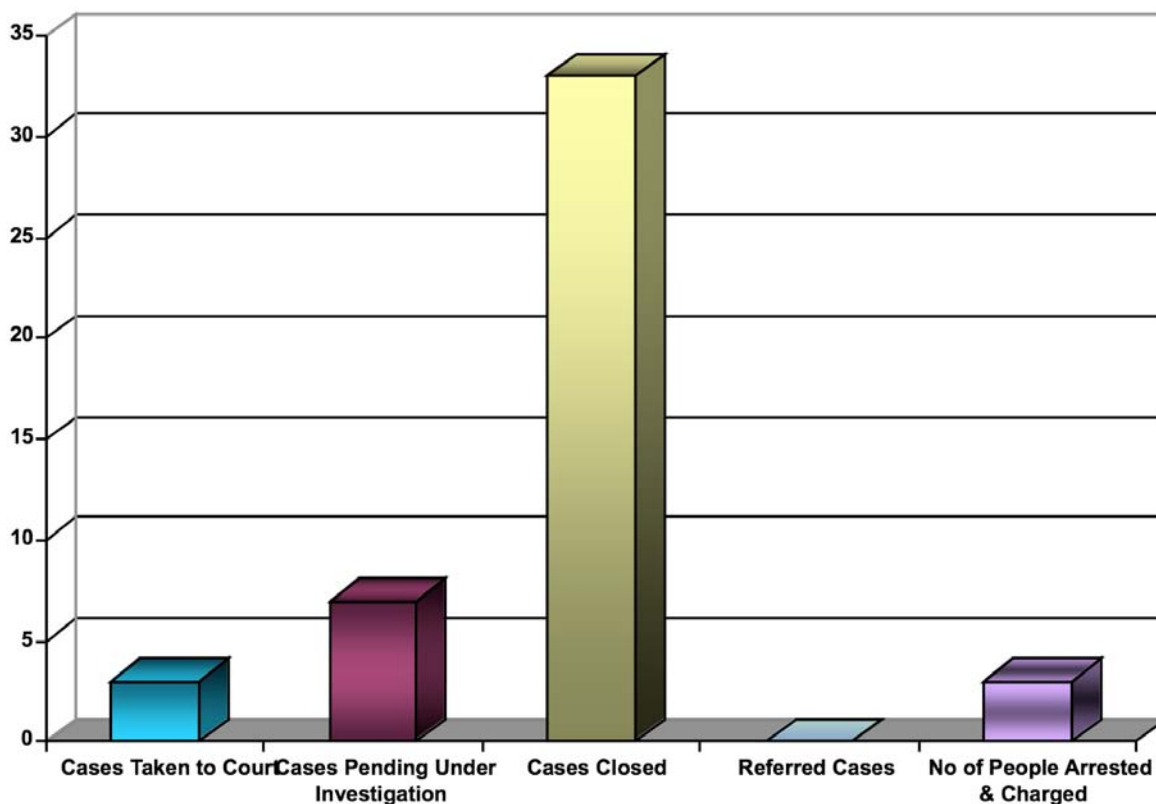
Summary of Cases Received in December 2009

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

New cases received During the Month

Category		Status	Previous	December	Total
			No	No	
1.	Bribery	Number of cases taken to court	1	2	3
		Cases pending under Investigations	1	6	7
		Cases Closed, No Further Action	8	25	33
		Cases referred	0	0	0
		PAKA			
2.	Sting				
TOTAL			10	33	43
Number of persons arrested and charged			1	2	3

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-December 2009.

Status	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Number of cases taken to court	3	7	5	5	1	7	9	4	1	8	4	3	57
Cases Closed, No Further Action	17	11	39	20	17	18	29	20	19	22	26	33	271
Cases Referred	0	2	4	3	1	0	0	0	2	1	0	0	13
Number of Persons arrested and charged	3	8	7	6	1	9	9	5	1	9	4	3	65
Cases Pending Under Investigation													7

3.1 Rapid Response – Mombasa

The summary below shows the cumulative total of cases dealt with by the Rapid Response Division, Mombasa, in December 2009

Item	Description/Status	No of cases	Total
1. Cases/ Reports	Case Status/Distribution		11
	New cases received during the month	5	
	Cases under investigations	3	
	Cases taken for plea	2	
	Cases referred	1	
	Cases closed- NFA	0	

Running Summary of Cases in 2009

Status	Jan	Feb	Mar	April	May	June	Jul	Aug	Sep	Oct	Nov	Dec	Total
Number of case taken to Court	1	-	1	1	-	-	-	-	-	1	-	2	6
Cases closed. No further action	2	4	1	3	1	1	2	-	1	2	1	0	18
Cases referred		-	1	-	-	-	-	-	-	-	-	1	2
Number of Persons arrested and charged	2	-	1	1	-	-	-	-	-	-	-	0	4
Cases Pending under investigation													3

Intelligence Production Department- Nairobi

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

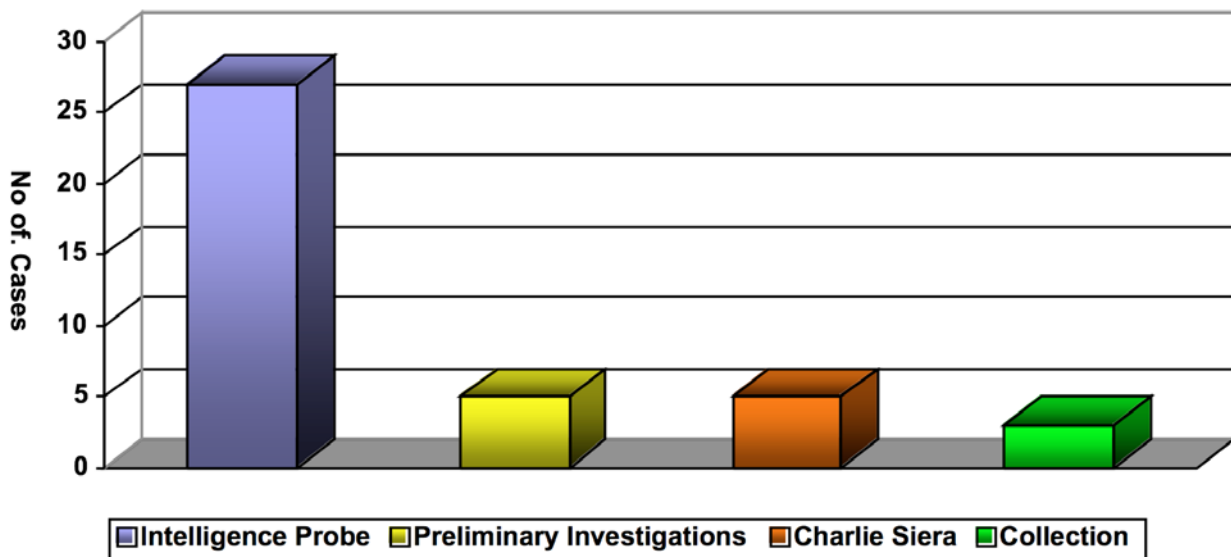
Reports

The Department received **31** reports from the Report Centre, **5** Intelligence Reports (IR) from various officers and **2** report from operation Charlie Sierra during the month of December 2009.

Breakdown

Item	Sources	No of Reports	Total
Reports Received	Report Centre	31	37
	Confidential Sources (Self generated by officers)	5	
	Charlie Sierra	2	
Handling of the Reports			
	Task	Division	No of Reports
1	Intelligence Development/Probe	Collection	8
2	Charlie Siera	Intelligence probe	1
	Analysis	Retained for analysis	28
TOTAL			37

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 4 Reports from the Reports Centre and 3 reports from confidential sources.

Months Activities

1. Conducted surveillance and undercover investigations into an intelligence report received that two ships, MV Shanghai and MV Suijin loaded with used motor vehicles some of which were above the mandatory 8 years was about to dock at the Port of Mombasa on the 8th and 12th December respectively.
2. Intercepted 20 over –age vehicles which were in the process of being released by KRA at the Interpel Container Freight Station.

Breakdown of cases

Item	Sources	No of Reports	Total
Reports Received	Report Centre	4	7
	Confidential Sources	3	
Handling of the Reports			
	Task	Division	No of Reports
1	Intelligence Probe	New tasks to Collection Division	4
		Tasks completed during the month	2
2	Preliminary Investigation	Preliminary Investigation	1
3	Full Investigation	Forensic Investigation	0