



DIRECTORATE OF INVESTIGATION AND ASSET TRACING

MONTHLY REPORT, SEPTEMBER 2008

Introduction

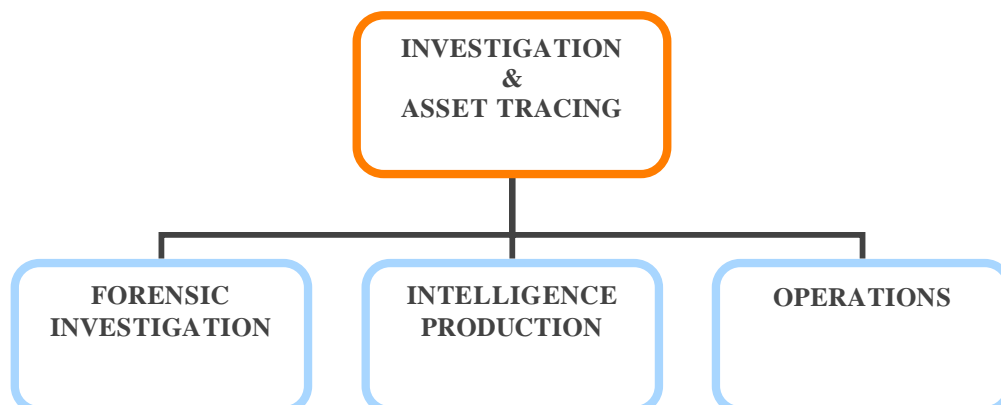
The Directorate of Investigation and Asset Tracing is one of the four Directorates of the Kenya Anti-Corruption Commission. The functions of the Directorate are to;

- 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 January 2008, the Directorate was reorganised into three departments, namely; Operations, Forensics and Intelligence.

- i. Operations- comprising two divisions; Report Centre and Rapid Response,
- ii. Forensics- comprising two divisions; Forensic Investigation and Asset Tracing,
- iii. Intelligence- comprising three divisions: Analysis & Production, Preliminary Investigation 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 September 2007 and was officially launched on 4th December 2007. All the three departments of the Directorate, namely; Forensic Investigation (FI), Operations (OPS) and Intelligence Production (IP) are represented.

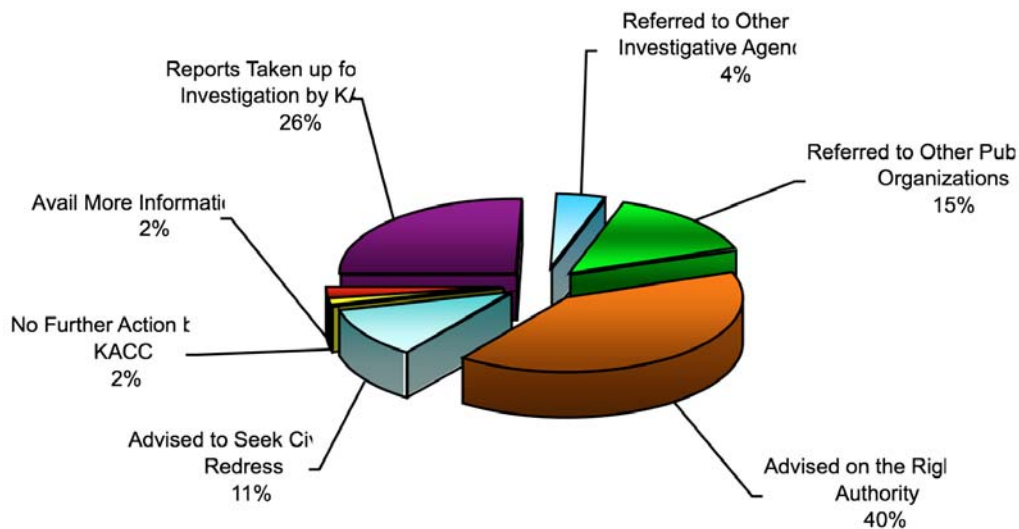
Report Centre - Nairobi

During the month of **September 2008**, the Reports Centre Division processed **378** (new) reports as compared to 342 reports received in August, 2008. The number of reports received is slowly on the rise with an average of about **291** reports per month. This however, is still relatively low as compared to last year's average of about **656** reports per month during the same period

After analysis and classification the reports were disposed off follows:

- The Commission took up for investigation **97** reports found to be within its mandate. The Intelligence Production Department accounted for **64** of the cases, Rapid Response Division took up **31** cases, Forensics Investigations took up **1** case, and the Legal Services Directorate took up **1** case.
- **16** cases were forwarded to other investigative agencies for action- with the Criminal Investigations Department accounting for **5**, Immigration **5**, KRA **2** and Police **5**.
- **55** cases were referred to various public service organisations for administrative intervention,
- In **42** cases the complainants were advised to seek civil redress,
- In **153** cases the complainants were advised on the right authority to report to
- After analysis of **6** reports, they were marked as requiring No Further Action (NFA)
- In **9** cases, the complainants were requested to avail more information.

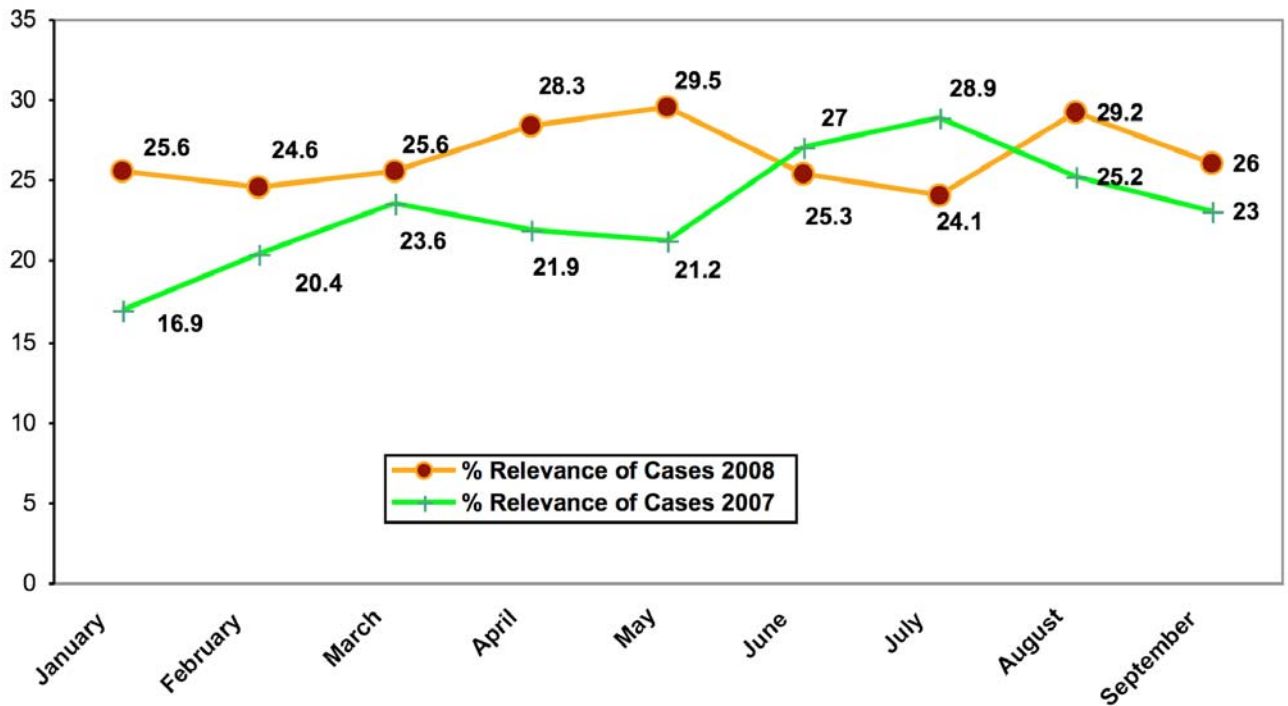
Categorization of reports Processed by KACC in September 2008



Breakdown of Reports Processed.

	Category	Referral Agency	No. of cases	Total
1	Reports taken-up for action by KACC	KACC - Intelligence Productions	64	97
		KACC – Rapid Response	31	
		KACC – Forensics	1	
		KACC – Legal Services	1	
2	Reports Forwarded to Other Investigative Agencies	Criminal Investigations Department	5	16
		Kenya Revenue Authority KRA	2	
		Department of Immigration	5	
		Police	4	
3	Reports Forwarded to Other Public Service Organisations	Ministry of Education	19	55
		Provincial Administration	6	
		Ministry of Agriculture	3	
		Ministry of Health	3	
		CDF National Management Committee	2	
		Department of Labour	2	
		Ministry of Lands	2	
		Ministry of Water & Irrigation	3	
		Ministry of Finance	3	
		Other Organisations	12	
4	Advised to Pursue the Matter in Court			42
5	Advised on the right authority to report matter to			153
6	Complainants to Avail More Information			9
7	No Further Action by KACC			6
Total				378

Comparative Analysis showing the % of cases taken up by the Commission over the past 2 years



Report Centre - Mombasa

During the month of **September 2008**, the Reports Centre Division processed **45** new reports. After analysis and classification the **45** reports were disposed off as follows:-

- A total of **13** reports were within the mandate of KACC and were taken up for investigation. **4** of the cases went to Intelligence Production, **6** were taken by Rapid Response while **3** were assigned to Forensic Investigations.
- **1** case was forwarded to the Provincial Investigations Officer Coast.
- **1** to Provincial Commissioner Nyanza
- **9** complainants were advised to seek civil redress
- **21** cases complainants were advised on the right authority to refer their complaints.

Table 1: Breakdown of Reports Processed.

	Category	Referral Agency/Department	No. of cases	TOTAL
1.	Cases taken up for action by KACC	KACC – Intelligence Production	4	13
		KACC – Rapid Response	6	
		KACC – Forensic Investigations	3	
2.	Referred to other Investigative Agencies	Provincial Criminal Investigations, Coast	1	1
3.	Reports forwarded to other public organizations			-
4.	Advised to Pursue the Matter in Court			9
5.	Advised on the right authority to report matter to			21
TOTAL				45

Forensic Investigation – Nairobi

Summary of Cases as at 30th September 2008

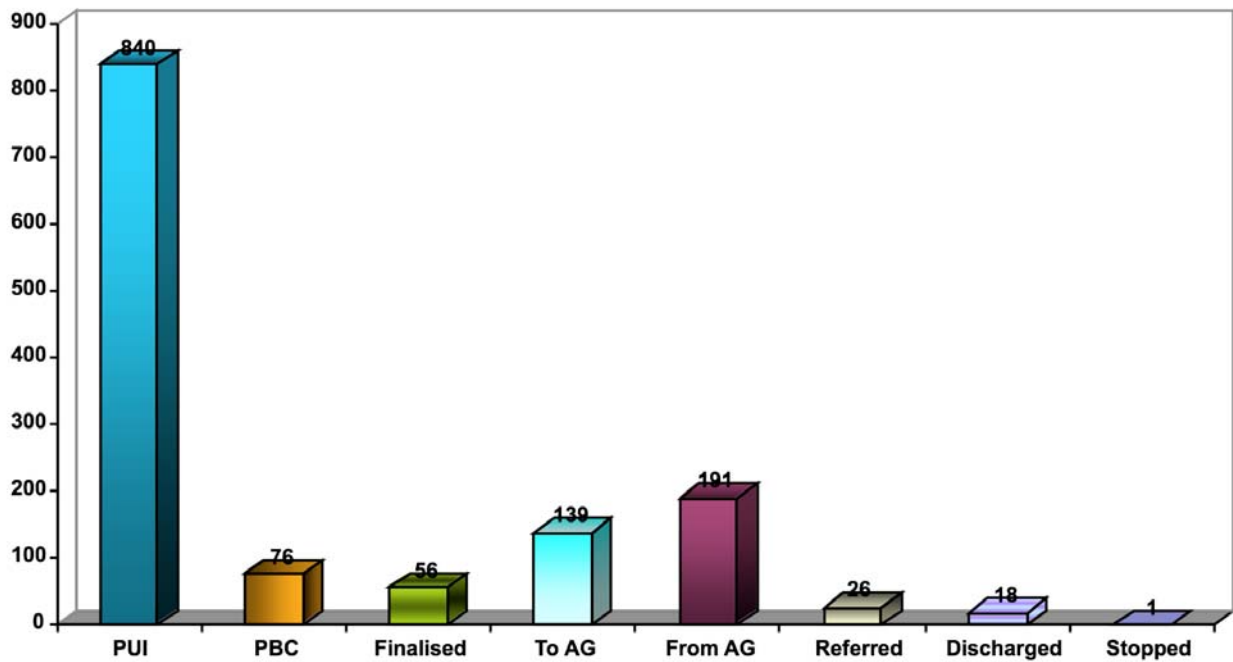
Item	Description	No. of Cases	
		Segment	Total
1.PUI	Cases Pending Investigation	534	840
	Completed Files with the Crime Reader	25	
	Cases Pending Allocation for Investigation	281	
2.PBC	Cases Pending Before Court (PBC)	74	76
	PBC with Part Discharges	1	
	PBC With Prohibition Orders	1	
3.FINALISED	Cases finalised before court:		
	- Convictions	12	58
	- Acquittals	12	
	- Discharges	34	
	- 'Nolle prosequi'	-	
4. To A-G	Files Sent to A-G		
	With Recommendation to Prosecute	67	139
	With Recommendation for Closure	63	
	With Recommendation for Administrative Action	8	
	After Further Investigation	1	
5. From A-G	Attorney-General Advice		
Advice	- To Prosecute	30	191
	- For Closure	92	
	- For further Investigation	13	
	- Administrative Action	52	
	- Consolidated Files	4	
6.REFERRED	Cases Referred to Other Agencies	26	26
7.DISCHARGE	Discharges under s. 87(a) for New Charges	18	18
8.STOPPED	PUI Cases stopped by Court injunctions	1	1

1.0 CASE OUTPUT FOR THE MONTH OF SEPTEMBER 2008

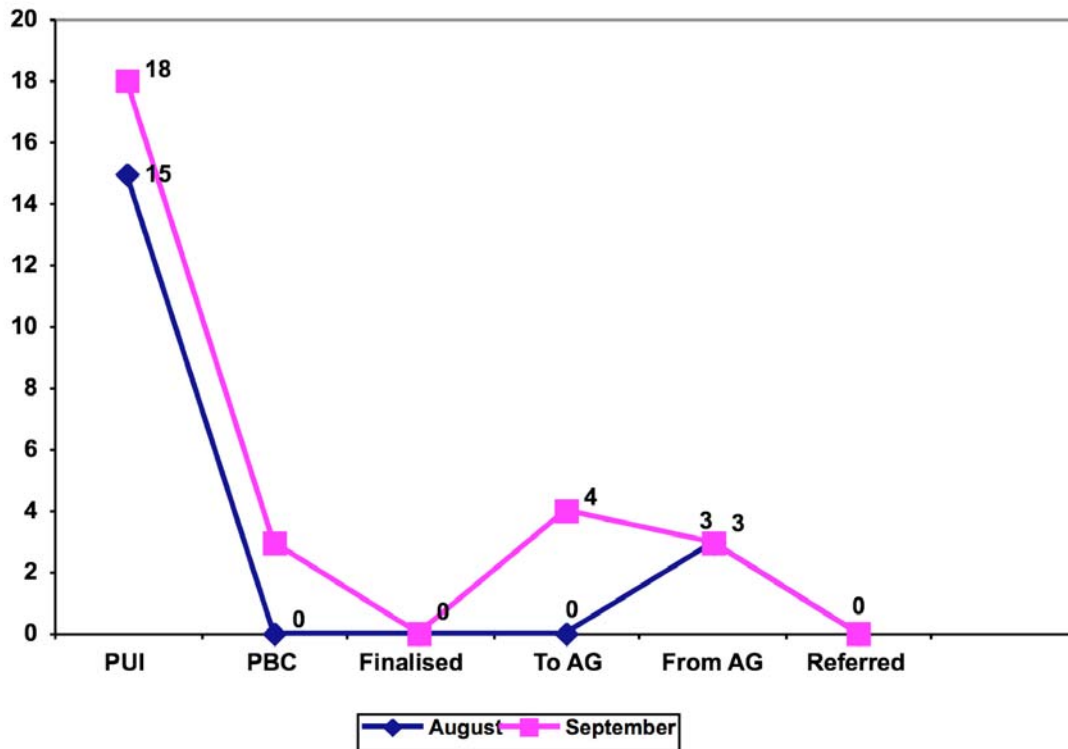
Item	Description	No. of Cases	
		Segment	
1.PUI	Cases Pending Investigation		
	Cases Received for Investigation	8	18
	Cases Assigned for Investigation	8	
	Completed Files Forwarded to Crime Reader	2	
2.Pbc	Cases Taken to Court:		
	- Cases Taken for Plea	-	3
3.Finalised	Cases Finalized Before Court:		
	- Convictions	-	-
	- Acquittals	-	
	- Discharges	-	
	- 'Nolle prosequi'	-	
4.TO A-G	Files sent to the Attorney-General:		
	- With Recommendation to Prosecute	1	4
	- With Recommendation for Closure	2	
	- With Recommendation for Administrative Action	1	
5. From A-G	Files Received from the Attorney-General		
Advice	To Prosecute	-	3
	To Close Due to Insufficient Evidence	1	
	For Administrative Action	-	
	For Further Investigation	2	
	For Consolidated	-	
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 30th September 2008



Comparative Analysis of Cases processed in August and September 2008



Forensic Investigation – Mombasa

The Forensics Investigations Department in Mombasa received **3** reports for the month of September, 2008. The following table shows how these reports were handled.

Item	Description	No. of Cases	
		Segment	
Cases Received for Investigation		3	
1. PUI	Cases Pending Allocation	2	3
	Cases Assigned for Investigation	1	
	Completed Files Forwarded to Crime Reader	0	
2. PBC	Cases Taken to Court:		
	Cases Taken for Plea	-	-
3. Finalised	Cases Finalized Before Court:		

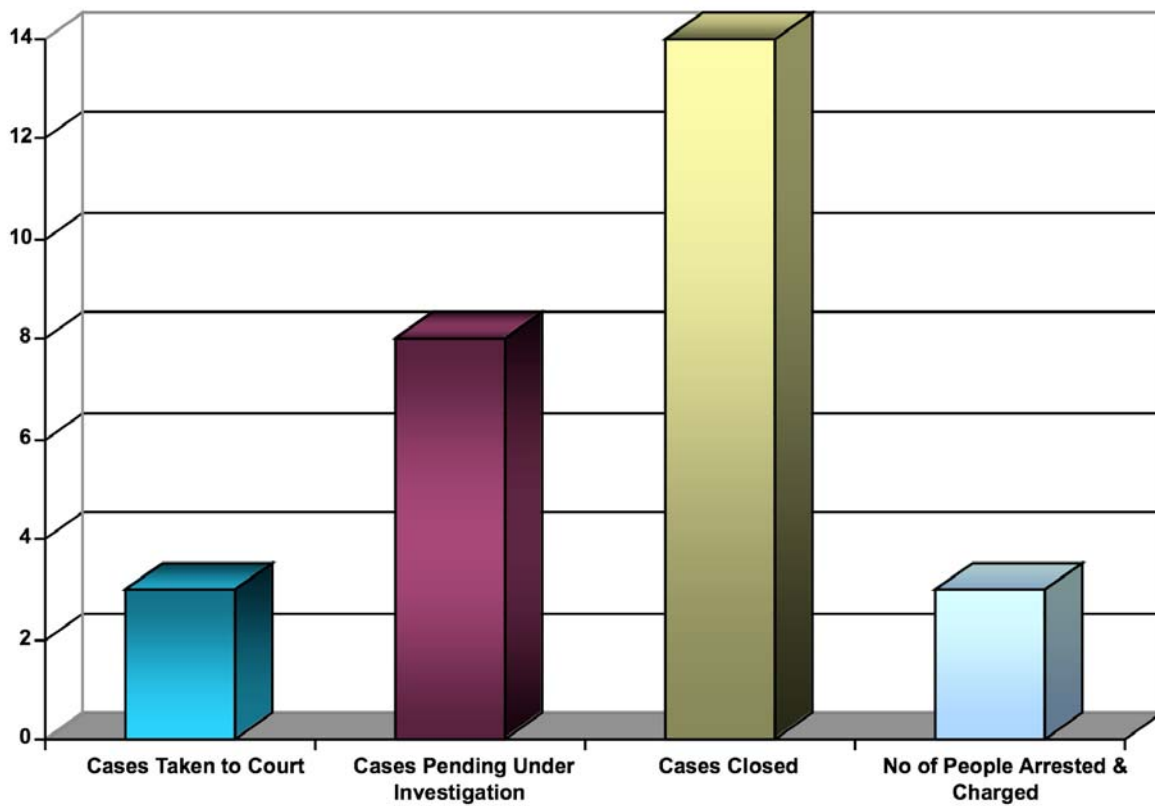
Rapid Response – Nairobi

Summary of Cases Received

Below is a tabulation of the number of cases handled by the Department during the month under review and the respective status;

Category		Status	No. of cases
1	Bribery	Number of cases taken to court	3
		Cases pending under Investigations	8
		Cases Closed, No Further Action	14
		Pending Arrest of Known Accused	1
TOTAL			26
Number of persons arrested and charged			3

Graphical Representation of the cases processed.



Rapid Response – Mombasa

The Division received a total of **6** reports. The following table gives the summary.

Category		Status	No. of cases
1	Bribery	Case received	6
		PBC	1
		PUI	2
		Cases Closed, No Further Action	3
		Cases referred	0
TOTAL			6
Number of persons arrested and charged			1

INTELLIGENCE DEPARTMENT - Nairobi

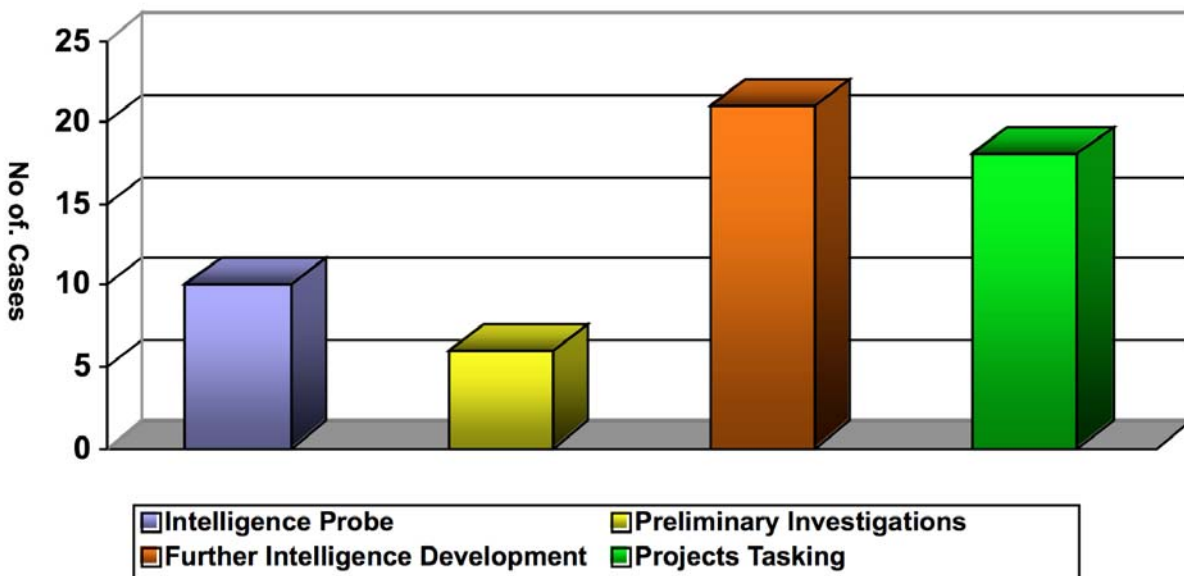
The following report outlines the activities undertaken by Intelligence Production Department during the month under review.

Reports

The Department received **46** reports from the Report Centre and **9** Intelligence Reports (IR) from various officers within the commission in the month of September 2008 and were distributed for action as follows:-

Item	Sources	No of Reports	Total	
Reports Received	Report Centre	46	57	
	ADI – Direct to PI	1		
	Confidential Sources	9		
	Integrity Test	1		
Handling of the Reports				
	Task	Division	No of Reports	Total
1	Intelligence Probe	Collection	11	46
2	Preliminary Investigation	Preliminary Investigation	6	
3	Further Intelligence Development	Analysis and Production	28	
4	Projects tasking	Integrity Testing Programs	1	10
		Project City Hall	4	
		KRA Project	1	
		Operation Secure Health	4	

Graphical Representation of Handling of Cases



Coverage for the Administration Police Recruitment

The Kenya Administration Police conducted a countrywide recruitment for Administration Police Constables on 24th September 2008 that was undertaken simultaneously at all District and Sub-District Headquarters. The Commission monitored the recruitment exercise at selected centres. A report has been compiled for submission.

Intelligence Production – Mombasa

The Department received **5** reports from the Report Centre and **2** Intelligence Report from its intelligence sources during the month under review. The Intelligence Report resulted in the seizure of one container suspected to have been released irregularly at the port of Mombasa. During the month, the department commenced three preliminary investigations; **one** has been completed whereas **two** are still ongoing. In addition, the department undertook the following activities:

- Collection of documents and information at the Mombasa Municipal Council to assist Forensic Investigation officers from headquarters who are carrying an investigation into irregular acquisition of a Geographical Information System at the Council and embezzlement of Council revenue. The investigation emanated from an intelligence report filed by Intelligence Production, Mombasa.
- Collection of information and documents from the Mombasa Municipal Council on the request of the Legal Directorate regarding development of an irregularly acquired road reserve on Tom Mboya Street.

Breakdown of reports received/generated in September 2008

Item	Sources	No. of Reports	Remarks	Total
Reports Received	Report Centre - Mombasa	5	Investigations ongoing on two of the reports	5
	Report Centre - Nairobi	1	Investigation commenced	1
	Confidential Sources	2	One container stopped and relevant taxes paid. Further intelligence collection still ongoing on the second report.	2
Handling of the Reports				
Task	Division	No. of Reports	Remarks	Total
Intelligence Probe	Intelligence Production	-	-	-
Preliminary Investigation	Intelligence Production	2	Investigations commenced in both	2

Further Intelligence Development	Intelligence Production	1	Intelligence Collection to continue for next 1 month	1
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Status of Preliminary Investigation cases

	Case Status	No. of Reports
1	Old Cases Completed	1
2	Completed cases recommended for closure	1
3	Cases referred for full investigations	-
4	Cases referred to the Legal Department	-
5	Cases under investigation	2
6	Cases referred to other agencies	1