



**DIRECTORATE OF INVESTIGATION AND ASSET TRACING**

**MONTHLY REPORT, APRIL 2011**

## INTRODUCTION

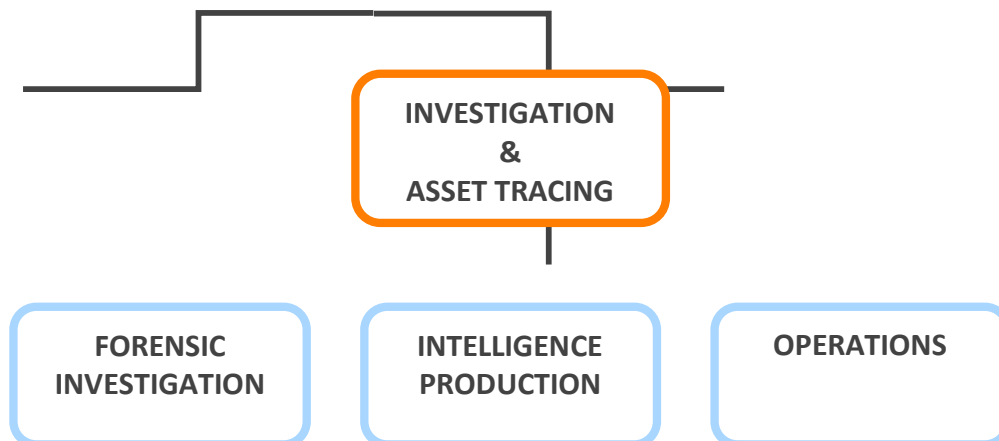
The Directorate of Investigation and Asset Tracing is one of the four Directorates of the Kenya Anti-Corruption Commission. The functions of the Directorate are to;

- 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 have 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, commenced operations on 4<sup>th</sup> June 2007 has three Departments namely; Forensic Investigation (FI), Operations (OPS) and Intelligence Production (IP).

### Kisumu Office

The Kisumu office was officially opened on the 14th October 2010. The Three departments namely Forensics, Intelligence and Operations are represented in the office.

## PART I – REPORTS CENTRE

### 1.1 Reports Centre - Nairobi

During the month of **April 2011**, the Reports Centre Division processed a total of **394** reports as compared to **669** in **March 2011**. The number of reports processed has reduced significantly though the percentage relevance of cases taken up for investigations has remained constant at **36%**

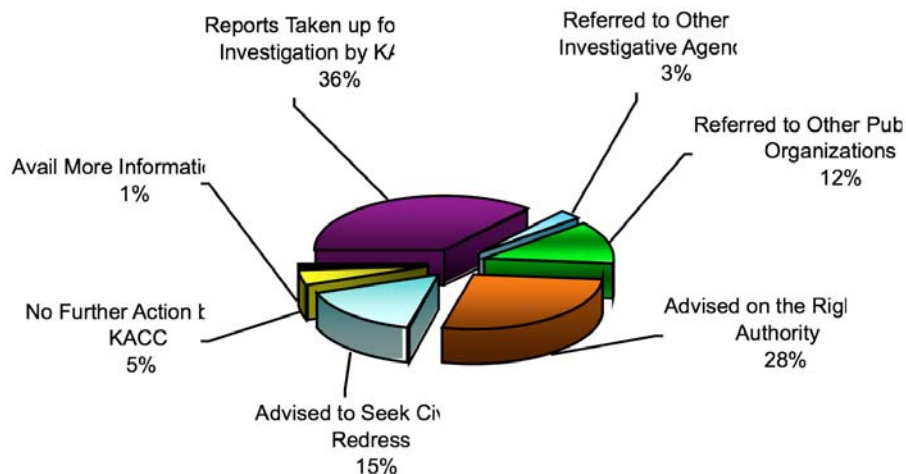
After analysis and classification, the reports were disposed off as follows:

- The Commission took up for investigation **141** reports which were found to be within its mandate. The Intelligence Production Department accounted for **88** of the reports; the Operations Department took up **30** reports; the Forensics Department took up **20** reports; while the Legal Services took up the remaining **3** case.
- **11** reports were forwarded to other investigative agencies for action with the Criminal Investigation Department accounting for **3**, Police **5**, Immigration **1** and the Kenya Revenue Authority **2**.
- The Commission referred **49** other reports to various Public Service Organisations for administrative intervention.
- In **61** reports the complainants were advised to seek civil redress.
- In **110** reports the complainants were advised on the right authority to report to.
- **18** reports did not disclose offences requiring intervention and were marked for No Further Action (NFA).
- In the remaining **4** reports, the complainants were requested to avail more information.

#### NB. The statistics above do not include:

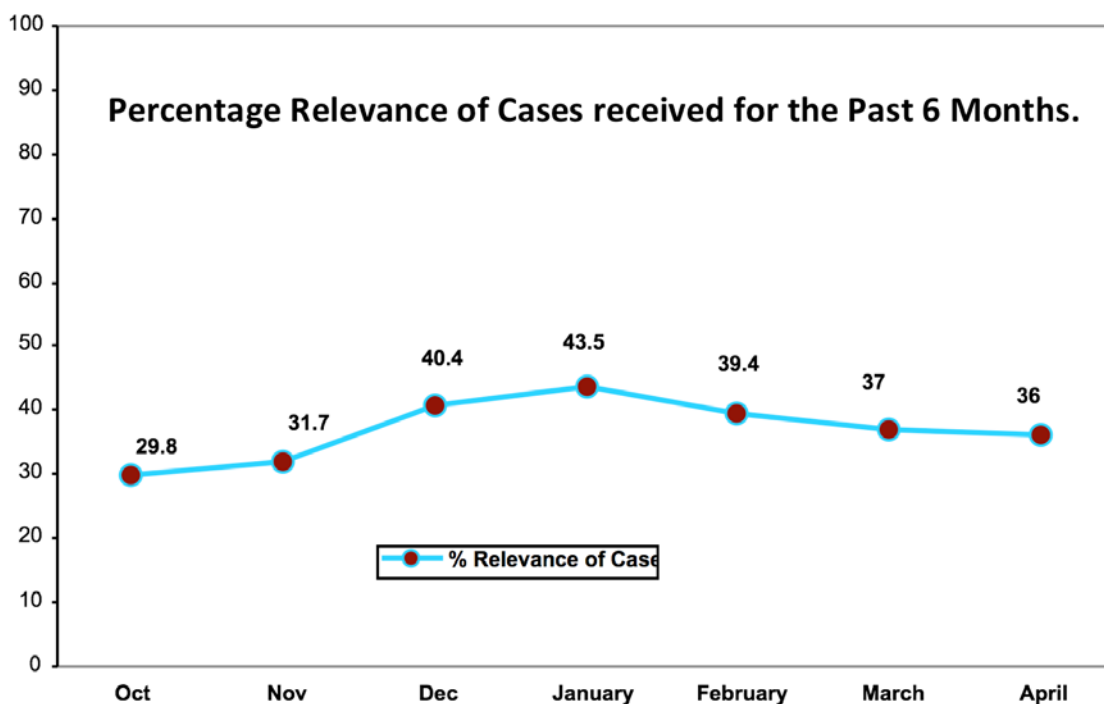
- (i) The **920** new reports received through the Whistle blower System (BKMS) yet to be processed.
- (ii) The approximately **1,500** reports received by mail/post yet to be processed.
- (iii) An additional **50%** of the above (processed) cases were not captured in the system in cases where the complainants who came to our office in person were advised on the right authorities to report to immediately.
- (iv) About **60%** of all telephone reports are not captured in the system as the complainants are advised on the right authorities to report to immediately.

#### Categorization of reports processed by KACC in April 2011



### Breakdown of Reports Processed.

	Category	Referral Agency	No. of cases	Total
1	Reports taken-up for action by KACC	KACC - Intelligence Production	88	141
		KACC – Rapid Response	30	
		KACC – Forensics	20	
		KACC – Legal Services	3	
		KACC – Preventive Services	-	
2	Reports Forwarded to Other Investigative Agencies	Criminal Investigation Department	3	11
		Kenya Revenue Authority KRA	2	
		Police	5	
		Immigration Dept.	1	
3	Reports Forwarded to Other Public Service Organisations	Ministry of Basic Education	18	49
		Ministry of Local Government	6	
		Ministry of Gender	2	
		Ministry of Water	2	
		Kenya Forest Service	2	
		Ministry of Public Health	1	
		Ministry of Agriculture	1	
		Ministry of Co-operative Development	1	
Other Public Bodies	16			
4	Advised to Pursue the Matter in Court			61
5	Advised on the right authority to report matter to			110
6	Complainants to Avail More Information			4
7	No Further Action by KACC			18
<b>Total</b>				<b>394</b>

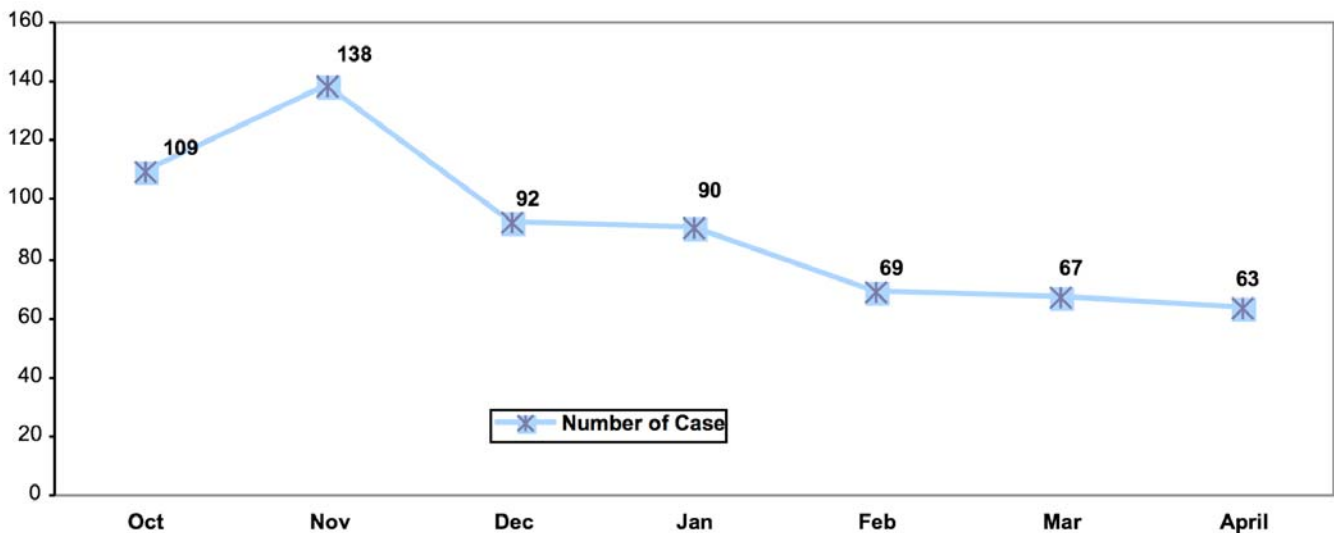


## 1.2 Reports Centre – Mombasa

### Breakdown of Processed Reports.

	Category	Referral Agency/Department	No of Cases	Total
1	Cases taken up for action by KACC	Intelligence Production	6	17
		Rapid Response	6	
		Forensic	5	
2	Referred to other Investigative Agencies	Police	3	9
		CID	3	
		KRA	3	
3	Referred to other Organisations	Provincial Administration	1	11
		Mombasa Municipal council	2	
		Ministry of Lands and settlement	1	
		Ministry of Basic Education	3	
		Malindi Municipal Council	1	
		Other Public Bodies	3	
4	Advised	Pursue the matter in court		7
		Right Authority		18
5	Complainants to Avail More Details			-
	No Further Action NFA			1
<b>TOTAL</b>				<b>63</b>

### No. of Cases received in the past 6 months



### 1.3 Reports Centre – Kisumu

A total of **73** reports were received and processed in the month of April **2011**. Disposal after analysis is as follows:-

	Category	Referral Agency	No. of cases	Total
1	Reports taken-up for action by KACC	KACC - Forensics	5	<b>30</b>
		KACC – Rapid Response	14	
		KACC – Intelligence Production	11	
2	Reports Forwarded to Other Investigative Agencies	Criminal Investigation Department	11	<b>14</b>
		Police	3	
		Kenya Revenue Authority KRA	-	
		Immigration Department	-	
3	Reports Forwarded to Other Public Service Organisations	Ministry of Education	1	<b>9</b>
		Ministry Local Government	-	
		Ministry of Labour	-	
		Ministry of Lands	2	
		Ministry of Agriculture	-	
		Advocates Complaints Commission	4	
		Ministry of Health	-	
		Provincial Administration	1	
		N.S.S.F	1	
		CDF	-	
4	Advised to Pursue the Matter in Court			<b>5</b>
5	Complainants to Avail More Information			-
6	Advised on the right authority to report matter to			<b>14</b>
7	No Further Action by KACC			<b>1</b>
<b>Total</b>				<b><u>73</u></b>

## PART II – FORENSICS INVESTIGATIONS

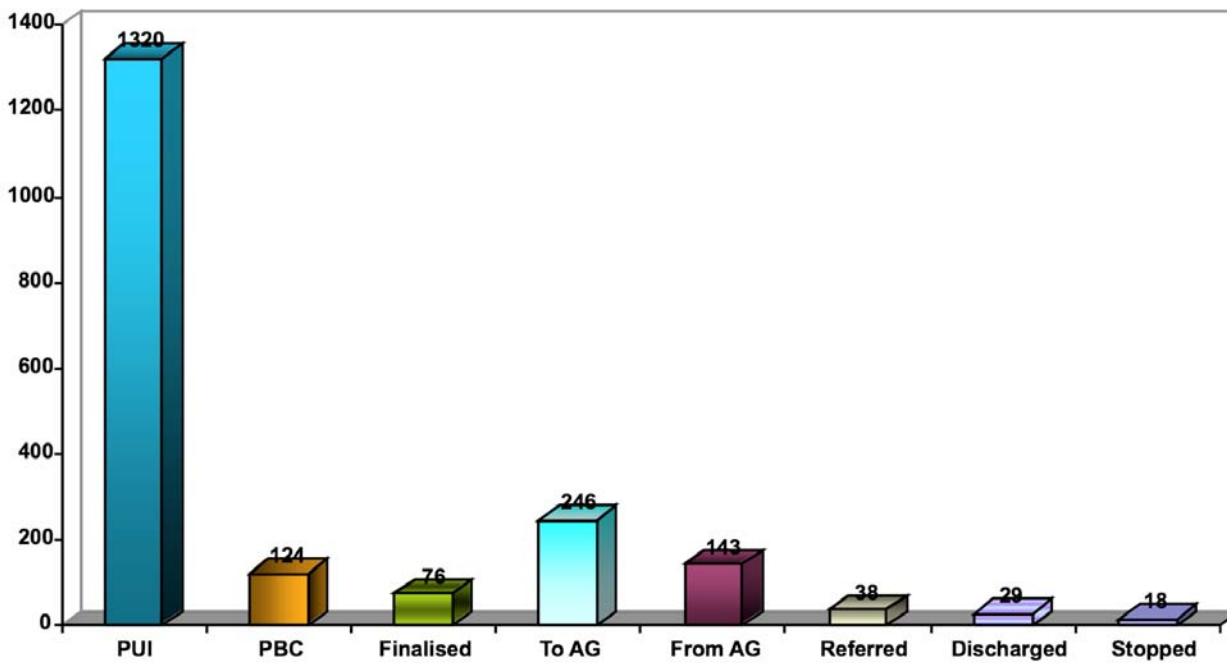
### 2.1 Forensic Investigation – Nairobi

#### Case Output for the month of April 2011

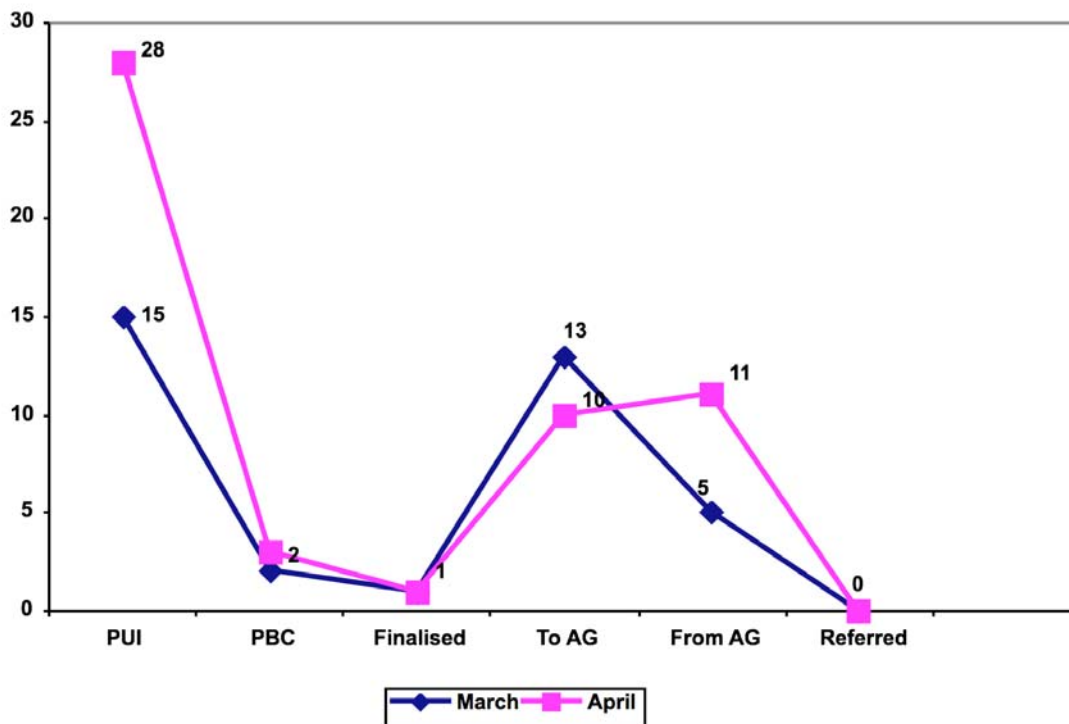
Item	Description	No. of Cases	
		Segment	
<b>1.PUI</b>	<b>Cases Pending Investigation</b>		
	Cases Received for Investigation	30	<b>28</b>
	Cases Assigned for Investigation	30	
	Completed Files Forwarded to Crime Reader	2	
<b>2.PBC</b>	<b>Cases Taken to Court:</b>		
	- Cases Taken for Plea	3	<b>3</b>
<b>3.Finalised</b>	<b>Cases Finalized Before Court:</b>		
	- Convictions	-	<b>1</b>
	- Acquittals	-	
	- Discharges	-	
	- 'Nolle prosequi'	<b>1</b>	
<b>4.TO A-G</b>	<b>Files sent to the Attorney-General:</b>		
	- With Recommendation to Prosecute	6	<b>11</b>
	- With Recommendation for Closure	-	
	- With Recommendation for Administrative Action	1	
	After Further Investigation	4	
<b>5. From A-G</b>	<b>Files Received from the Attorney-General</b>		
<b>Advice</b>	To Prosecute	6	<b>11</b>
	To Close Due to Insufficient Evidence	4	
	For Administrative Action	-	
	For Further Investigation	1	
	To Consolidate	-	
<b>6.REFERRED</b>	Cases Referred to Other Agencies	-	-
<b>7.REPORTS</b>	Investigation Reports Prepared For Action	-	-

\* Bribe demand cases not included.

#### Graphical Representation of the Cases as of 31<sup>st</sup> April 2011



**Comparative Analysis of Cases processed in March 2011 and April 2011**



**2.2 Forensic Investigation – Mombasa**

Below is a tabulation of cases and their respective status handled by the Department in April 2011

Item	Description/Status	No of cases	Total
1.Cases/ Reports	Case Status/Distribution		5
	New Cases Received during the month	5	



	New Cases assigned for Investigations	-	
	Cases under investigations	-	
	Cases awaiting allocation	-	
<b>2.To A-G</b>	<b>Files sent to Crime Reader(s)</b>		
	- With Recommendation to Prosecute	-	-
	- With Recommendation for Administrative Action	-	
<b>3. From A-G</b>	<b>Files Received from the Attorney-General/Crime Reader(s)</b>		<b>2</b>
	To Prosecute	<b>1</b>	
	To Administrative Action	<b>1</b>	
	To Consolidate	-	
	To cover points	-	
<b>4. Court</b>	<b>Cases in Court:</b>		
	- Cases Taken for Plea	-	

## 2.3 Forensic Investigation – Kisumu

Below is a tabulation of cases and their respective status handled by the Department in April 2011

Item	Description/Status	No of cases	Total
<b>1. Cases/ Reports</b>	<b>Case Status/Distribution</b>		<b>18</b>
	New Cases Received during the month	<b>5</b>	
	New Cases assigned for Investigations	-	
	Cases under investigations	<b>8</b>	
	Cases awaiting allocation	<b>5</b>	
<b>2.To A-G</b>	<b>Files sent to Crime Reader(s)</b>	-	-
	- With Recommendation to Prosecute	-	
	- With Recommendation for Administrative Action	-	
<b>3. From A-G</b>	<b>Files Received from the Attorney-General/Crime Reader(s)</b>	-	-
	To Prosecute	-	
<b>4. Court</b>	<b>Cases in Court:</b>		-
	- Cases Taken for Plea	-	

## PART III – OPERATIONS DEPARTMENT

### 3.1 Rapid Response – Nairobi

#### Summary of Cases Received in April 2011

Below is a tabulation of cases and their respective status handled by the Department in **April 2011**

#### New cases received During the Month

Category		Status	No of Cases
1.	Bribery	Number of cases taken to court	<b>3</b>
		Cases pending under Investigation	<b>5</b>
		Cases Closed, No Further Action	<b>15</b>
		Cases Referred	<b>4</b>
2.	Sting		
<b>TOTAL</b>			<b>27</b>
<b>Number of persons arrested and charged</b>			<b>5</b>

#### Running Summary of Cases 2011

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

Status	Jan	Feb	Mar	April	Total
Number of cases taken to court	2	5	5	3	<b>15</b>
Cases Closed, No Further Action	19	10	13	15	<b>57</b>
Cases Referred	0	3	1	4	<b>8</b>
Number of Persons arrested and charged	3	8	5	5	<b>21</b>
Cases Pending Under Investigation					<b>5</b>

### 3.2 Rapid Response – Mombasa

The summary below shows the cumulative total of cases dealt with by the Rapid Response Division, Mombasa, in April 2011

Category		Status	Total
1.	Bribery	Number of cases taken to Court	1
		Cases Pending Under Investigation	0
		Cases Closed - No Further Action	4
		Cases referred	1
		PAKA	0
2.	Sting		
<b>TOTAL</b>			<b>6</b>
<b>Number of arrested and charged</b>			<b>1</b>

#### Running Summary of Cases 2011

The summary below shows the cumulative total number of cases dealt with by the Rapid Response Division- Mombasa from January

Status	Jan	Feb	Mar	April	Total
Number of cases taken to court	-	2	1	1	<b>4</b>
Cases Closed, No Further Action	3	0	3	4	<b>10</b>
Cases Referred	0	2	1	1	<b>4</b>
Number of Persons arrested and charged	8	0	1	1	<b>10</b>
Cases Pending Under Investigation					<b>0</b>

### 3.3 Rapid Response – Kisumu

The summary below shows the cumulative total of cases dealt with by the Rapid Response Division, Kisumu, in April 2011

Category		Status	Total
1.	Bribery	Number of cases taken to Court	
		Cases Pending Under Investigation	6
		Cases Closed - No Further Action	7
		Cases referred	3
		PAKA	
2.	Sting		
<b>TOTAL</b>			<b>16</b>
<b>Number of arrested and charged</b>			<b>5</b>

### Running Summary of Cases 2011

The summary below shows the cumulative total number of cases dealt with by the Rapid Response Division- Mombasa from January

Status	Jan	Feb	Mar	April	Total
Number of cases taken to court	1	1	1	-	<b>3</b>
Cases Closed, No Further Action	1	7	3	7	<b>18</b>
Cases Referred	2	1	5	3	<b>11</b>
Number of Persons arrested and charged	-	-	-		
Cases Pending Under Investigation					<b>6</b>

## PART IV – INTELLIGENCE DEPARTMENT

### 4.1 IPD - Nairobi

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

#### 1. Reports

The Department received **38** reports from the Report Centre, **11** Intelligence Reports (IR) from various officers and **10** allegations of misconduct by public officers during the month of **April 2011**.

#### Breakdown

Item	Sources	No of Reports	Total
Reports Received	Report Centre	38	59
	Confidential Sources (Self generated by officers)	21	
	<b>Handling of the Reports</b>		
	Task	Division	No of Reports
1	Intelligence Probe	Collection	39
2	Retained for analysis	Analysis and Production	7
3	Forensic Investigation	Forensic Investigations	1
4	Integrity Tests	Integrity Testing Programme	12
<b>TOTAL</b>			<b>49</b>

### 4.2 IPD – Mombasa

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

#### Reports

The Department received 6 reports from the Reports Centre and 2 reports from confidential sources.

## Months Activities

1. Intelligence probe into alleged tax evasion of millions of shillings through falsification of sugar imports to appear like the sugar were sourced from COMESA countries.
2. Intelligence probe into activities of Container Freight Stations suspected to be involved in tax evasion.
3. Investigations into fraudulent acquisition of different title deeds for Kwale Diani Beach/block/151
4. Preliminary investigation into an allegation of embezzlement of funds meant for the disabled in Mombasa by officials at the ministry of Gender, Children and Social Development.

## Breakdown of cases

Item	Sources	No of Reports	Total
Reports Received	Report Centre	6	8
	Confidential Sources	2	
<b>Handling of the Reports</b>			
	Task	Division	No of Reports
1	Intelligence Probe	New tasks to Collection Division	8
		Tasks completed during the month	1
2	Preliminary Investigation	Preliminary Investigation	1
3	Full Investigation	Forensic Investigation	

## 4.3 IPD - Kisumu

### Month's Activities

Monitoring Police and Administration police recruitment. One fraudster by the name Oscar Kambona Opande Alias Nyaseda was arrested.

## Breakdown of cases

Item	Sources	No of Reports	Total
Reports Received	Report Centre	9	10
	Confidential Sources	2	
<b>Handling of the Reports</b>			
	Task	Division	No of Reports
1	Intelligence Probe	New tasks to Collection Division	9
		Tasks completed during the month	1
2	Preliminary Investigation	Completed Preliminary Investigations	2

		Preliminary Investigations Pending Under Investigation	
3	Full Investigation	Forensic Investigation	-