



# **DIRECTORATE OF INVESTIGATION AND ASSET TRACING**

**MONTHLY REPORT, SEPTEMBER 2009**

## Introduction

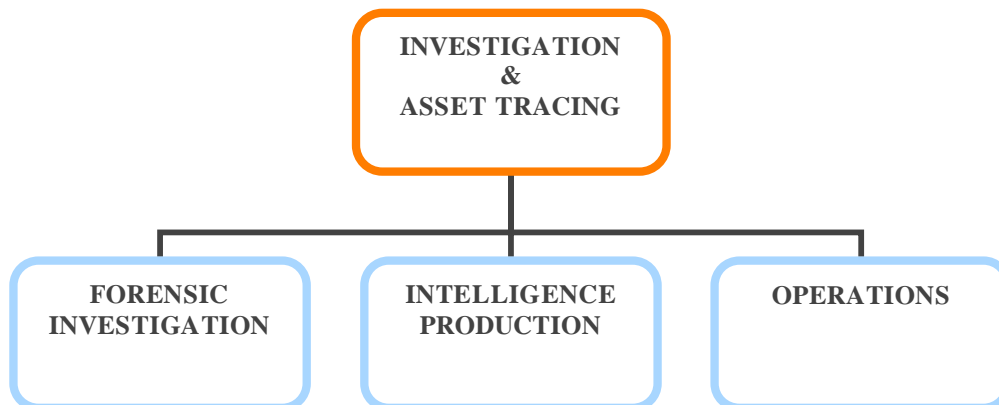
The Directorate of Investigation and Asset Tracing is one of the four Directorates of the Kenya Anti-Corruption Commission. The functions of the Directorate are to;

- 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 4<sup>th</sup> September 2007. All the three Departments of the Directorate, namely; Forensic Investigation (FI), Operations (OPS) and Intelligence Production (IP) are represented.

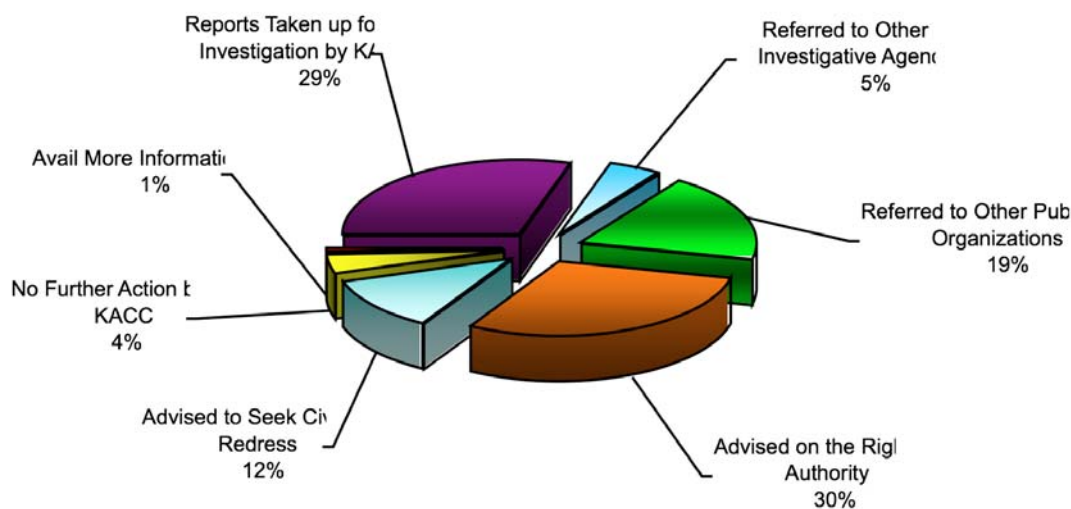
## Reports Centre – Nairobi

During the month of **September 2009**, the Reports Centre Division processed **317** reports as compared to **321** in **August**. The number of cases received has slightly reduced with the relevance of cases that falls within the Commission's mandate remaining on average **31.8%** for the year.

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

- The Commission took up for investigation **94** reports which were found to be within its mandate. The Intelligence Production Department accounted for **47** of the reports; the Operations Department took up **28**, while the Forensics Department took up the remaining **19**.
- **15** reports were forwarded to other investigative agencies for action with the Criminal Investigations Department accounting for **5**, Police **4**, Immigration department **3** and the Kenya Revenue Authority **3**.
- The Commission referred **61** other reports to various Public Service Organisations for administrative intervention.
- In **37** reports the complainants were advised to seek civil redress.
- In **94** 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 **3** reports, the complainants/informers were requested to avail more information.

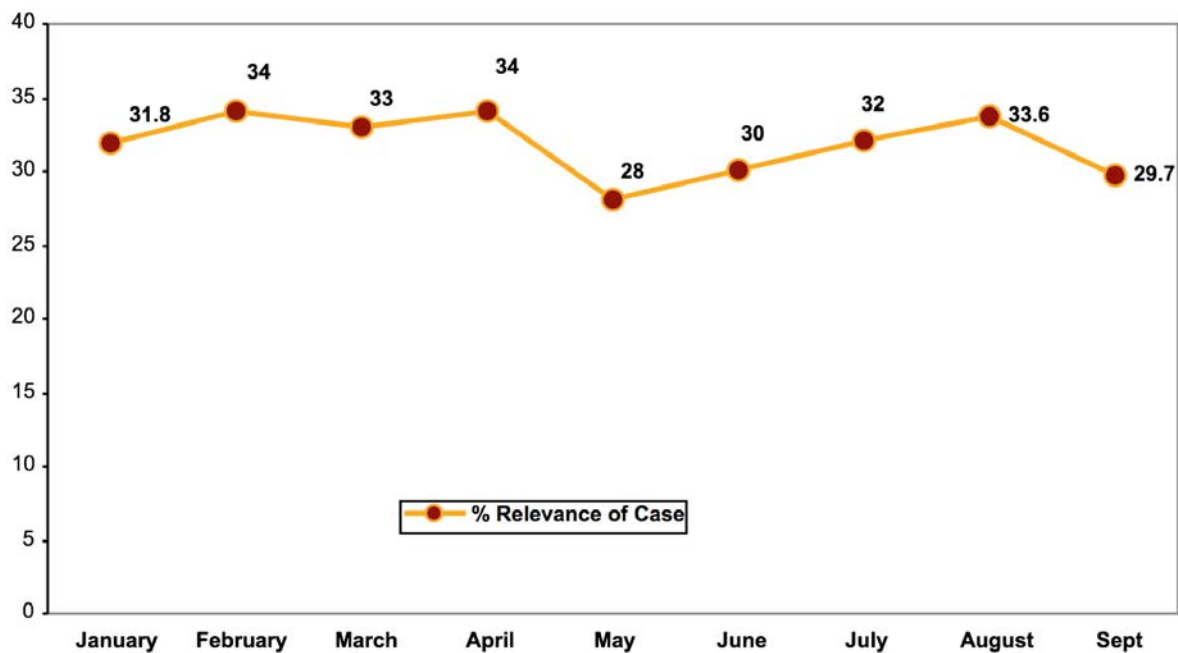
### Categorization of reports processed by KACC in September 2009



## Breakdown of Reports Processed.

	Category	Referral Agency	No. of cases	Total
1	Reports taken-up for action by KACC	KACC - Intelligence Productions	47	94
		KACC – Rapid Response	28	
		KACC – Forensics	19	
2	Reports Forwarded to Other Investigative Agencies	Criminal Investigations Department	5	15
		Police	4	
		Kenya Revenue Authority KRA	3	
		Immigration Dept	3	
3	Reports Forwarded to Other Public Service Organisations	Ministry of Basic Education	11	61
		Public Procurement Oversight Authority	8	
		Ministry of Local Government	5	
		CDF National Management Committee	3	
		Ministry of Medical Services	3	
		Ministry of Agriculture	2	
		Ministry of Co-operative Development	2	
		Ministry of Planning	2	
		Other Organizations	25	
4	Advised to Pursue the Matter in Court			37
5	Advised on the right authority to report matter to			94
6	Complainants to Avail More Information			3
7	No Further Action by KACC			13
<b>Total</b>				<b>317</b>

## Percentage Relevance of Cases Received for the past 9 months



### Reports Centre - Mombasa

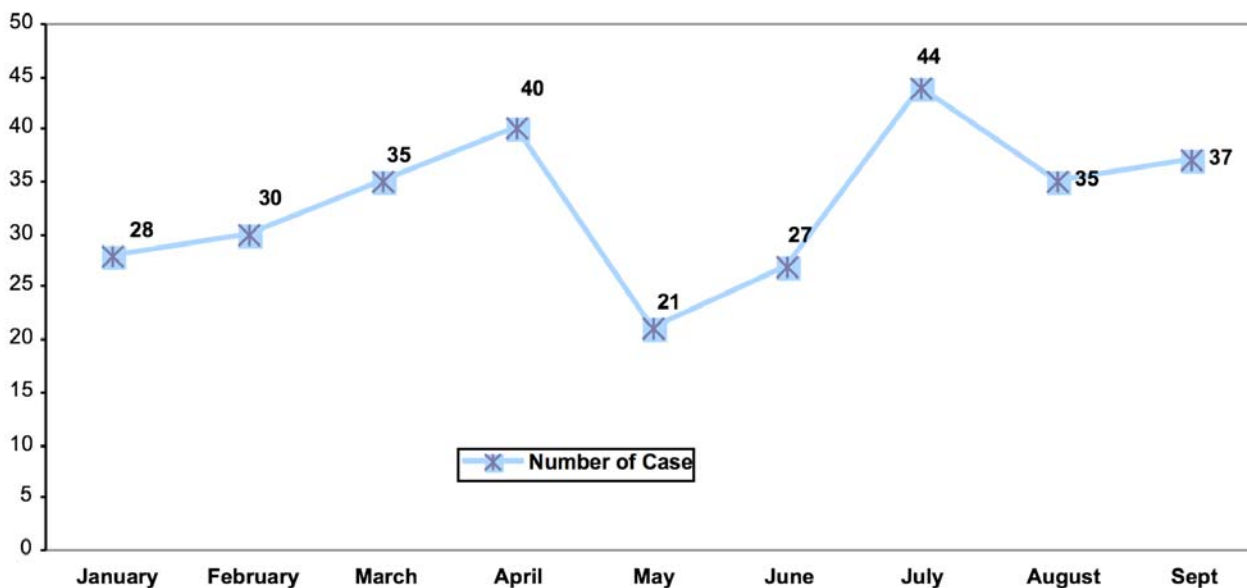
37 reports were received and processed in the month of **September 2009** After analysis and classification the reports were disposed of as follows:-

- 12 reports were within the mandate of the Commission. 4 went to Intelligence Production accounted for 4 reports, Forensic Investigations took over 5 reports and 3 reports were taken by Rapid Response
- 3 reports were referred to the other government bodies and investigative agencies.
- 21 reports were outside KACC's mandate and complainants advised accordingly
- 1 No further action ( NFA)

**TABLE 1: 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	12
		Rapid Response	3	
		Forensic	5	
2	Referred to other Investigative Agencies	PCIO, Coast	1	1
3	Referred to Public Organisations	Provincial Director of education	1	2
		Mombasa Water & Sewerage Company	1	
4	Advised	Pursue the matter in court	1	21
		Right authority to report	20	
5	NFA		1	1
<b>TOTAL</b>				<b>37</b>

## No of Cases received for the past 9 Months.



## Forensic Investigation – Nairobi

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

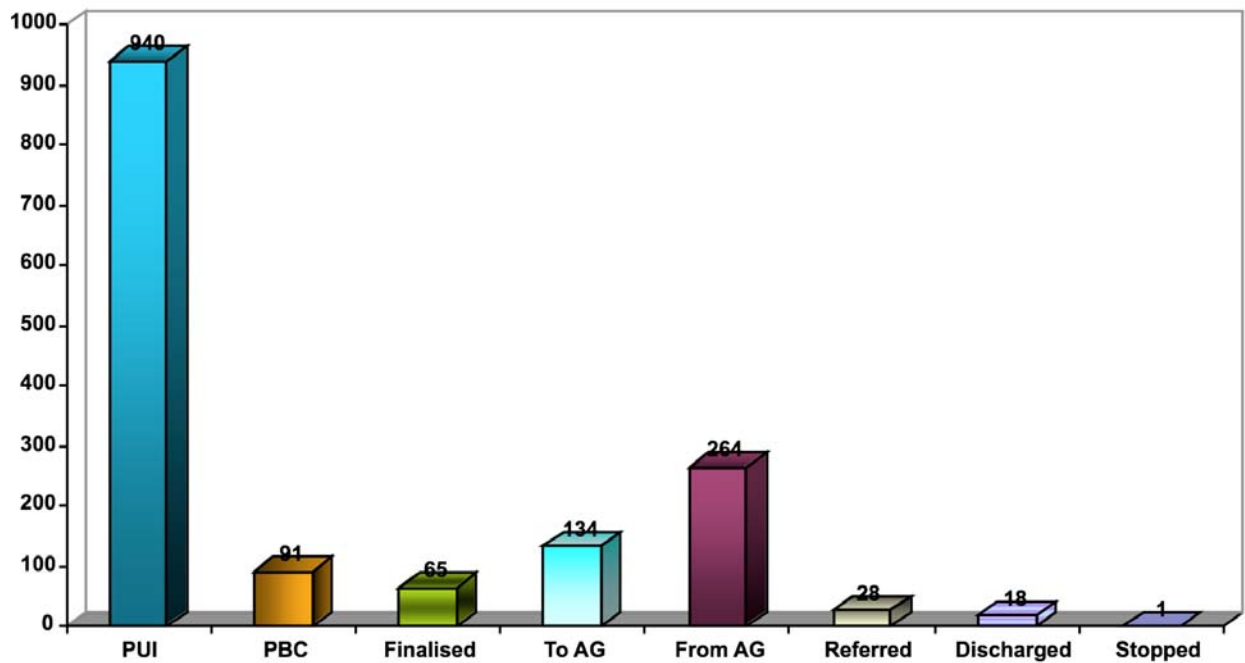
### Case Output for the month of September 2009

Item	Description	No. of Cases	
		Segment	
<b>1.PUI</b>	<b>Cases Pending Investigation</b>		
	Cases Received for Investigation	11	<b>27</b>
	Cases Assigned for Investigation	11	
	Completed Files Forwarded to Crime Reader	5	
<b>2.Pbc</b>	<b>Cases Taken to Court:</b>		
	- Cases Taken for Plea	1	
<b>3.Finalised</b>	<b>Cases Finalized Before Court:</b>		
	- Convictions	-	
	- Acquittals	-	
	- Discharges	-	
	- 'Nolle prosequi'	-	
<b>4.TO A-G</b>	<b>Files sent to the Attorney-General:</b>		
	- With Recommendation to Prosecute	-	
	- With Recommendation for Closure	-	
	- With Recommendation for Administrative Action	-	
	After Further Investigations	-	

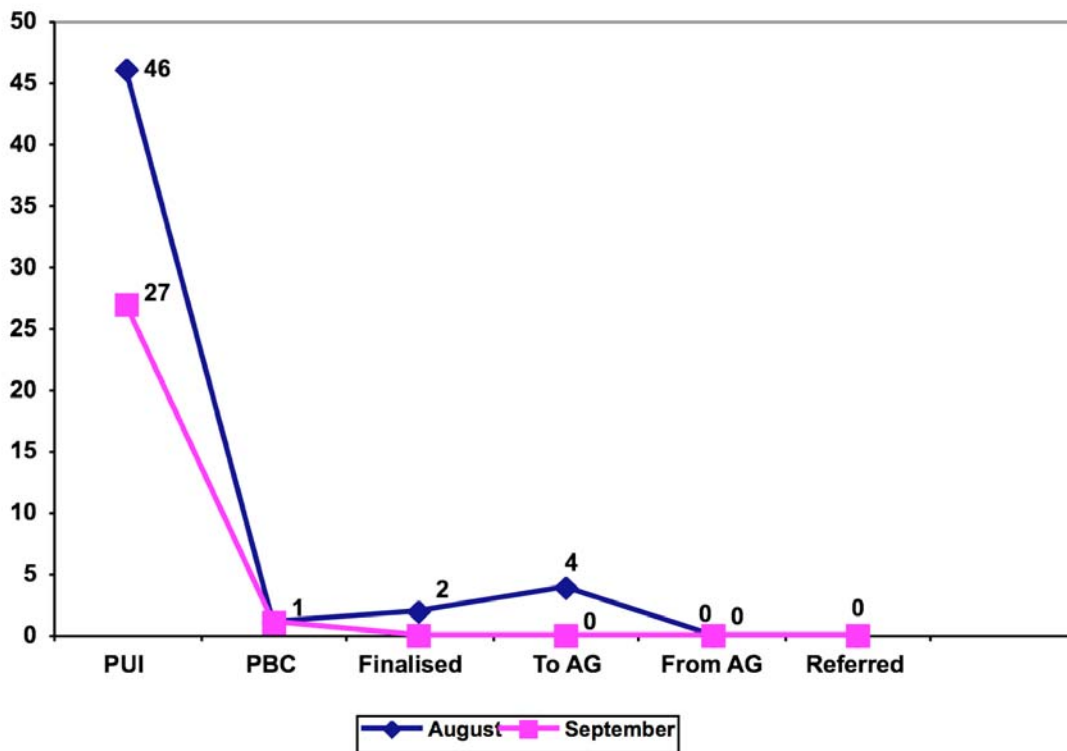
5. From A-G	Files Received from the Attorney-General		
Advice	To Prosecute	3	
	To Close Due to Insufficient Evidence	-	
	For Administrative Action	-	
	For Further Investigation	-	
	To Consolidate	-	
<b>6.REFERRED</b>	Cases Referred to Other Agencies	-	
<b>7.REPORTS</b>	Investigation Reports Prepared For Action	-	

\* Bribe demand cases not included.

### Graphical Representation of the Cases as of 31<sup>st</sup> September 2009



## Comparative Analysis of Cases processed in June and September 2009



### Forensic Investigation – Mombasa

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

Item	Description/Status	No of cases	Total
<b>1. Cases/ Reports</b>	<b>Case Status/Distribution</b>		<b>11</b>
	New Cases Received during the month	<b>5</b>	
	Cases assigned for Investigations	<b>0</b>	
	Cases under investigations	<b>8</b>	
	Cases awaiting allocation	-	
<b>2.To A-G</b>	<b>Files sent to Crime Reader(s)</b>		<b>4</b>
	- With Recommendation to Prosecute	2	
	- With Recommendation for Closure	2	
	- With Recommendation for Administrative Action	-	
<b>3. From A-G</b>	<b>Files Received from the Attorney-General/Crime Reader(s)</b>		<b>0</b>
	To Prosecute	-	



	To Close Due to Insufficient Evidence	-	
	For Administrative Action	-	
	For Further Investigation	-	
	To Consolidate	-	
<b>4. Court</b>	<b>Cases in Court:</b>		
	- Cases Taken for Plea	-	
	- Cases on going		
<b>5. Finalised</b>	<b>Action taken</b>		
	- Convictions	-	
	- Acquittals	-	
	- Discharges	-	
	- 'Nolle prosequi'	-	
	- Recommended for Administrative action	-	
<b>6. REFERRED</b>	Cases Referred to Other Agencies	-	

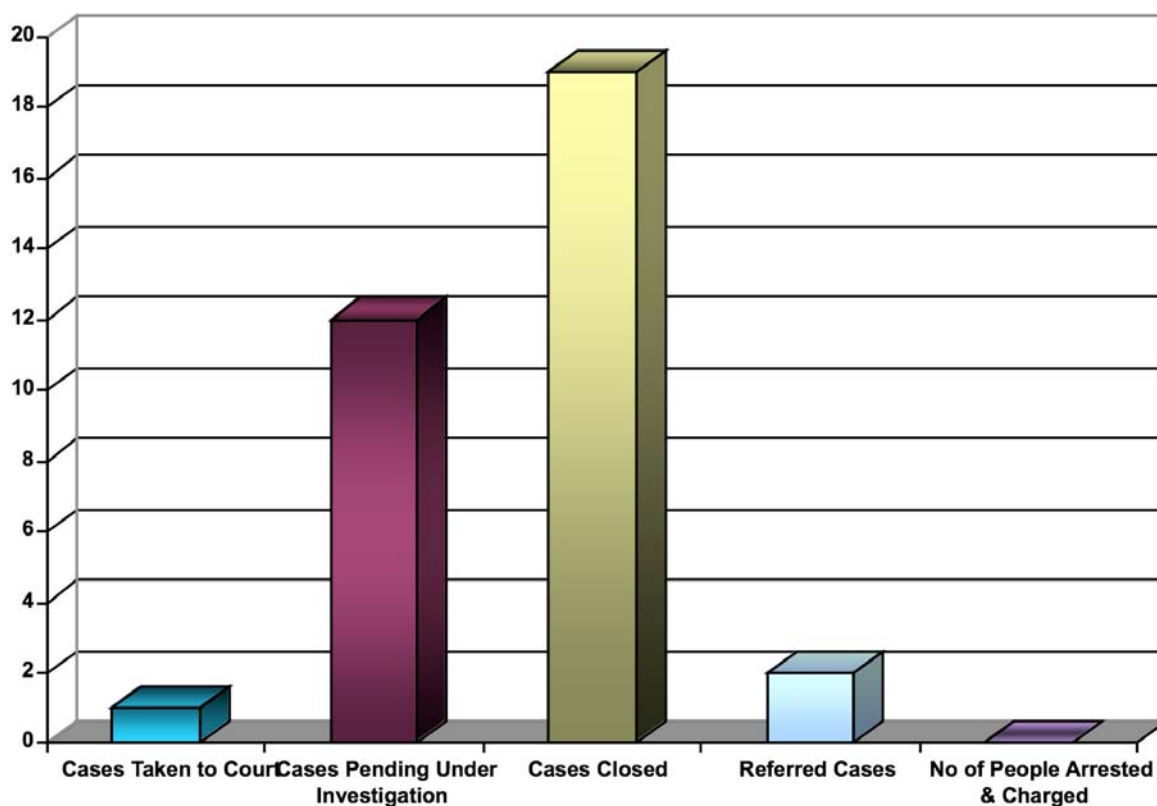
### Rapid Response – Nairobi Summary of Cases Received in September 2009

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

#### New cases received During the Month

Category		Status	Previous	September	Total
			No	No	
1.	Bribery	Number of cases taken to court	-	1	<b>1</b>
		Cases pending under Investigations	3	9	<b>12</b>
		Cases Closed, No Further Action	5	14	<b>19</b>
		Cases referred	-	2	<b>2</b>
		PAKA	-	-	
2.	Sting				
<b>TOTAL</b>			<b>8</b>	<b>26</b>	<b>34</b>
Number of persons arrested and charged					-

## 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-September 2009.

	Status	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Total
<b>1 Bribery</b>	Number of cases taken to court	3	7	5	5	1	7	9	4	1	<b>42</b>
	Cases Closed, No Further Action	17	11	39	20	17	18	29	20	19	<b>190</b>
	Cases Referred	0	2	4	3	1	0	0	0	2	<b>12</b>
	Number of Persons arrested and charged	3	8	7	6	0	0	9	5	0	<b>38</b>
	Cases Pending Under Investigation										<b>12</b>

## Rapid Response – Mombasa

The summary below shows the cumulative total number of cases dealt with by the Rapid Response Division Mombasa September 2009

Category		Status	No. of cases
1	New Cases received	PBC	0
		PUI	2
		Cases Closed, NFA	1
<b>Total</b>			<b>3</b>
<b>Number of persons arrested and charged</b>			<b>0</b>
<b>Cases taken to court During the Month</b>			<b>-</b>
Convictions			-
Acquittals			-

## Running Summary of Cases in 2009

	Status	Jan	Feb	Mar	April	May	June	Jul	Aug	Sep	Total
Bribery	Number of case taken to Court	1	-	1	1	-	-	-	-	-	<b>3</b>
	Cases closed. No further action	2	4	1	3	1	1	2	-	1	<b>15</b>
	Cases referred		-	1	-	-	-	-	-	-	<b>1</b>
	Number of Persons arrested and charged	2	-	1	1	-	-	-	-	-	<b>4</b>
	Cases Pending under investigation										<b>2</b>

## Intelligence Production Department- Nairobi

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

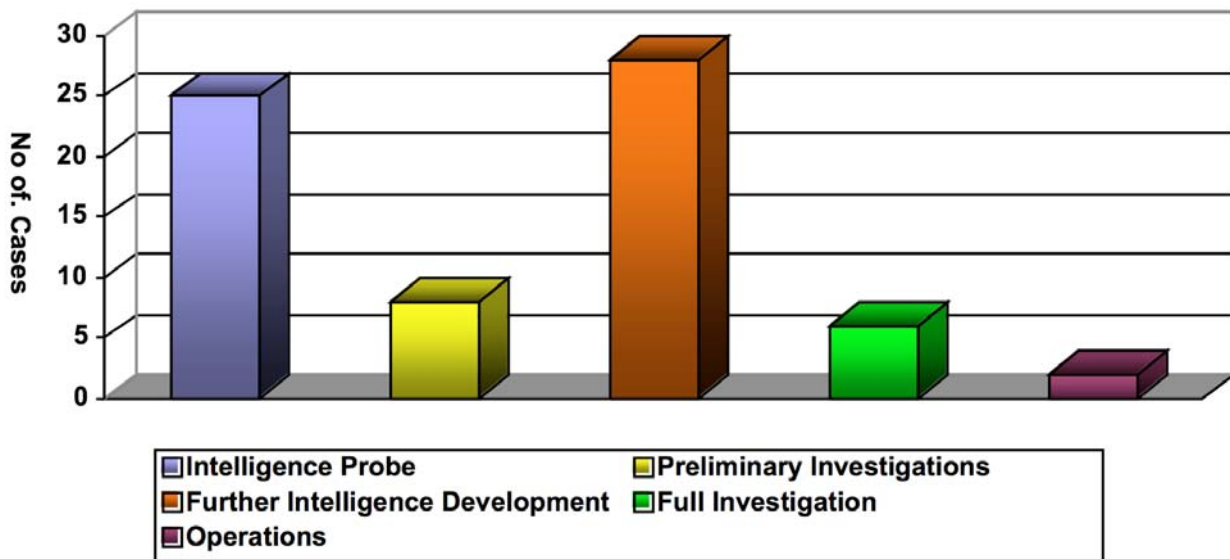
### Reports

The Department received **15** reports from the Report Centre and **3** Intelligence Reports (IR) from various officers within the commission in the month of September 2009 and were distributed for action as follows:-

## Breakdown

Item	Sources	No of Reports	Total
Reports Received	Report Centre	15	18
	Confidential Sources	3	
<b>Handling of the Reports</b>			
	Task	Division	No of Reports
1	Intelligence Probe	New tasks to Collection Division	7
		Tasks completed during the month	1
2	Preliminary Investigation	Preliminary Investigation	7
3	Further Intelligence Development	Analysis and Production	1

## 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

### Months Activities

1. Completed a joint investigation with Forensics Department and forwarded 3 files for crime reading, concerning allegations of misappropriation of CDF funds in Lamu West Constituency.

2. 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.
  
3. Jointly with a team from IPD, Nairobi, conducted covert investigations and filed a report regarding allegations of tax evasion at Kilindini Port and various Container Freight stations.

### Breakdown of cases

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