



DIRECTORATE OF INVESTIGATION AND ASSET TRACING

MONTHLY REPORT, AUGUST 2009

Introduction

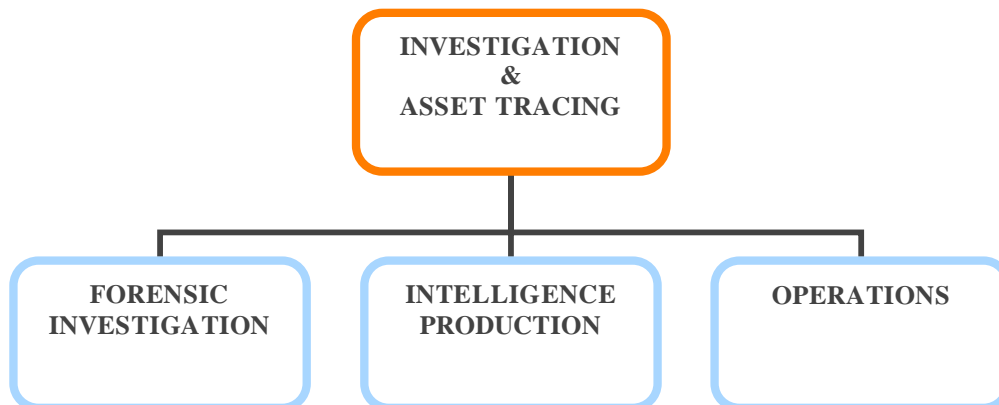
The Directorate of Investigation and Asset Tracing is one of the four Directorates of the Kenya Anti-Corruption Commission. The functions of the Directorate are to;

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

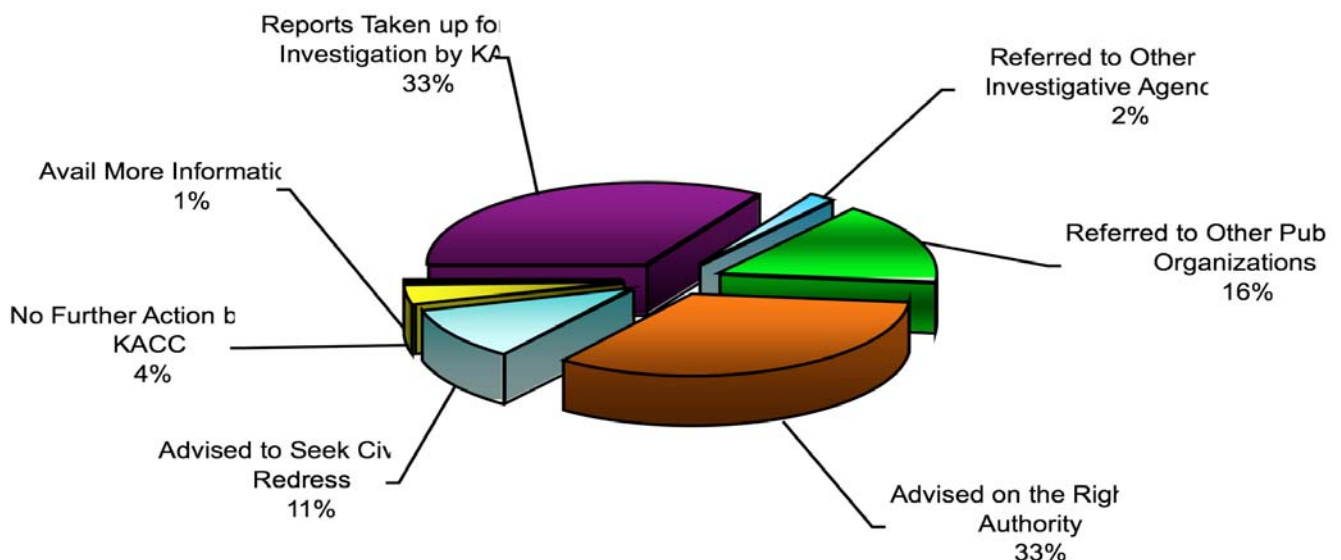
Reports Centre – Nairobi

During the month of **August 2009**, the Reports Centre Division processed **321** reports as compared to **375** in **July**. 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 **108** reports which were found to be within its mandate. The Intelligence Production Department accounted for **74** of the reports; the Operations Department took up **21**, while the Forensics Department took up the remaining **13**.
- **6** reports were forwarded to other investigative agencies for action with the Criminal Investigations Department accounting for **4** and the Kenya Revenue Authority **2**.
- The Commission referred **52** other reports to various Public Service Organisations for administrative intervention.
- In **34** reports the complainants were advised to seek civil redress.
- In **107** reports 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 **2** reports, the complainants/informers were requested to avail more information.

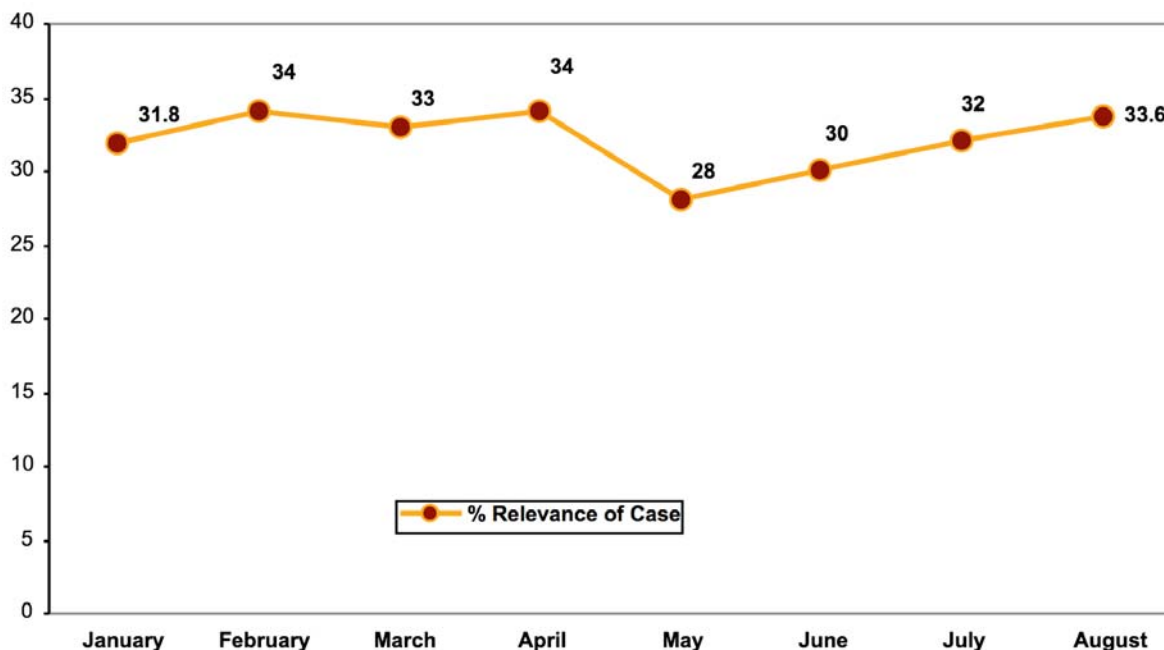
Categorization of reports processed by KACC in August 2009



Breakdown of Reports Processed.

	Category	Referral Agency	No. of cases	Total
1	Reports taken-up for action by KACC	KACC - Intelligence Productions	74	108
		KACC – Rapid Response	21	
		KACC – Forensics	13	
2	Reports Forwarded to Other Investigative Agencies	Criminal Investigations Department	4	6
		Kenya Revenue Authority KRA	2	
3	Reports Forwarded to Other Public Service Organisations	Ministry of Basic Education	10	52
		Ministry of Local Government	5	
		Public Procurement Oversight Authority	4	
		CDF National Management Committee	3	
		Ministry of Co-operative Development	2	
		Department of Lands	2	
		Kenya Bureau of Standards	1	
		Ministry of Agriculture	1	
		Other Organizations	24	
4	Advised to Pursue the Matter in Court			34
5	Advised on the right authority to report matter to			107
6	Complainants to Avail More Information			2
7	No Further Action by KACC			12
Total				321

Percentage Relevance of Cases Received for the past 8 months



Reports Centre - Mombasa

35 cases received and processed in the month of **August 2009**. Disposal after analysis is as follows:-

- 6 reports were within KACC's mandate. 2 of the cases went to Intelligence Production, 2 to Forensic and 1 was taken by Rapid Response. 1 NFA overtaken by events.
- 4 cases were referred to other government bodies and investigative agencies.
- 25 advised accordingly

TABLE 1: Breakdown of Processed Reports.

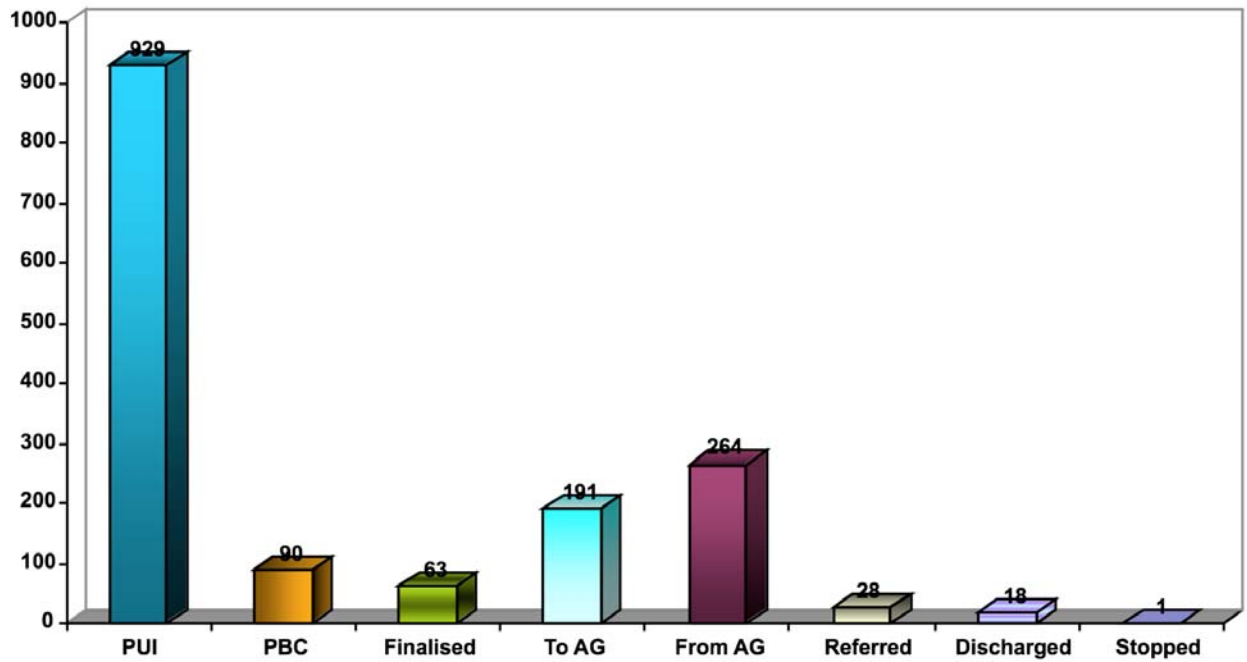
S/No	Category	Referral Agency/Department	No of Cases	Total
1	Cases taken up for action by KACC	Intelligence Production	2	6
		Rapid Response	1	
		Forensic	2	
		NFA	1	
2	Referred to other Investigative Agencies	PPO, Coast	1	2
		PCIO, Coast	1	
3	Referred to Public Organisations	Provincial Forest Officer	1	2
		Provincial Medical officer of health	1	
4	Advised	Pursue the matter in court	5	25
		Right authority to report	20	
TOTAL				35

Case Output for the month of August 2009

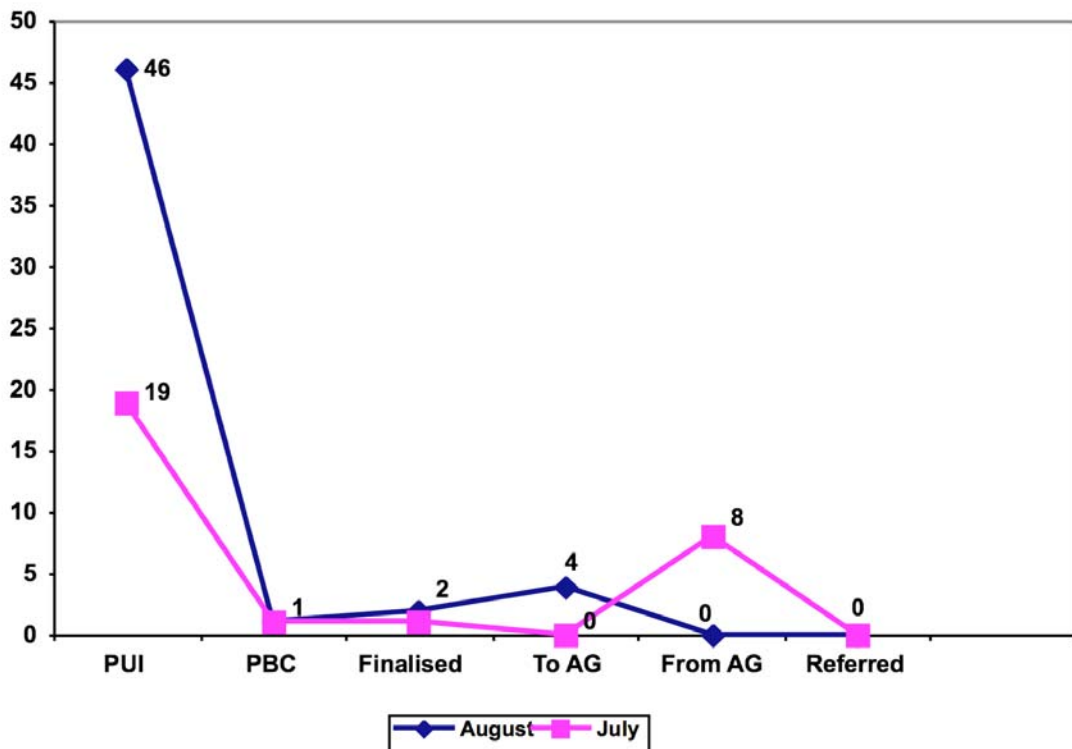
Item	Description	No. of Cases	
		Segment	
1.PUI	Cases Pending Investigation		
	Cases Received for Investigation	20	46
	Cases Assigned for Investigation	20	
	Completed Files Forwarded to Crime Reader	6	
2.Pbc	Cases Taken to Court:		
	- Cases Taken for Plea	1	1
3.Finalised	Cases Finalized Before Court:		
	- Convictions	1	2
	- Acquittals	-	
	- Discharges	1	
	- 'Nolle prosequi'	-	
4.TO A-G	Files sent to the Attorney-General:		
	- With Recommendation to Prosecute	1	4
	- With Recommendation for Closure	1	
	- With Recommendation for Administrative Action	-	
	After Further Investigations	2	
5. From A-G	Files Received from the Attorney-General		
Advice	To Prosecute	-	-
	To Close Due to Insufficient Evidence	-	
	For Administrative Action	-	
	For Further Investigation	-	
	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 August 2009



Comparative Analysis of Cases processed in June and August 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
1. Cases/ Reports	Case Status/Distribution		17
	New Cases Received during the month	2	
	Cases assigned for Investigations	9	
	Cases awaiting allocation		
	Previous cases completed and Forwarded to Crime Reader(s)	6	
2.To A-G	Files sent to the Attorney-General:		0
	- With Recommendation to Prosecute	-	
	- With Recommendation for Closure	-	
	- With Recommendation for Administrative Action	-	
	After Further Investigations	-	
3. From A-G	Files Received from the Attorney-General		1
	To Prosecute	-	
	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		
5. Finalised	Action taken		
	- Convictions	-	
	- Acquittals	-	
	- Discharges	-	
	- 'Nolle prosequi'	-	
	- Recommended for Administrative action	-	
6. REFERRED	Cases Referred to Other Agencies	1	1

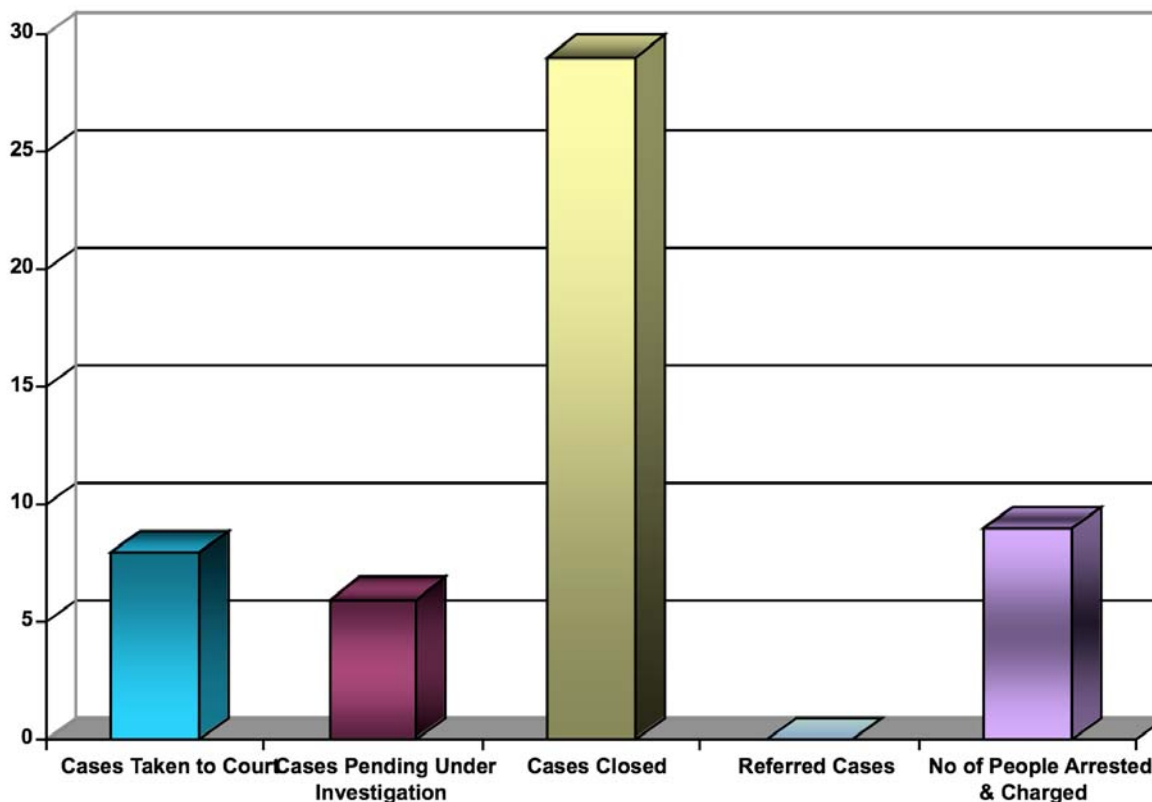
Rapid Response – Nairobi
Summary of Cases Received in August 2009

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

New cases received During the Month

Category	Status	Previous	August	Total
		No	No	
1. Bribery	Number of cases taken to court	-	4	4
	Cases pending under Investigations	1	6	7
	Cases Closed, No Further Action	7	13	20
	Cases referred	-	-	
	PAKA	1	-	1
2. Sting				
TOTAL		9	23	32
Number of persons arrested and charged				5

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-August 2009.

	Status	Jan	Feb	Mar	April	May	June	August	Sept	Total
1	Number of cases taken to court	3	7	5	5	1	7	9	4	41
	Cases Closed, No Further Action	17	11	39	20	17	18	29	20	174
	Cases Referred	0	2	4	3	1	0	0	0	10
	Number of Persons arrested and charged	3	8	7	6	0	0	9	5	38
	Cases Pending Under Investigation									7

Rapid Response – Mombasa

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

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

Running Summary of Cases in 2009

	Status	Jan	Feb	Mar	April	May	June	Aug	Sept	Total
Bribery	Number of case taken to Court	1	-	1	1	-	-	-	-	3
	Cases closed. No further action	2	4	1	3	1	1	2	-	14
	Cases referred		-	1	-	-	-	-	-	1
	Number of Persons arrested and charged	2	-	1	1	-	-	-	-	4
	Cases Pending under investigation									1

Intelligence Production Department- Nairobi

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

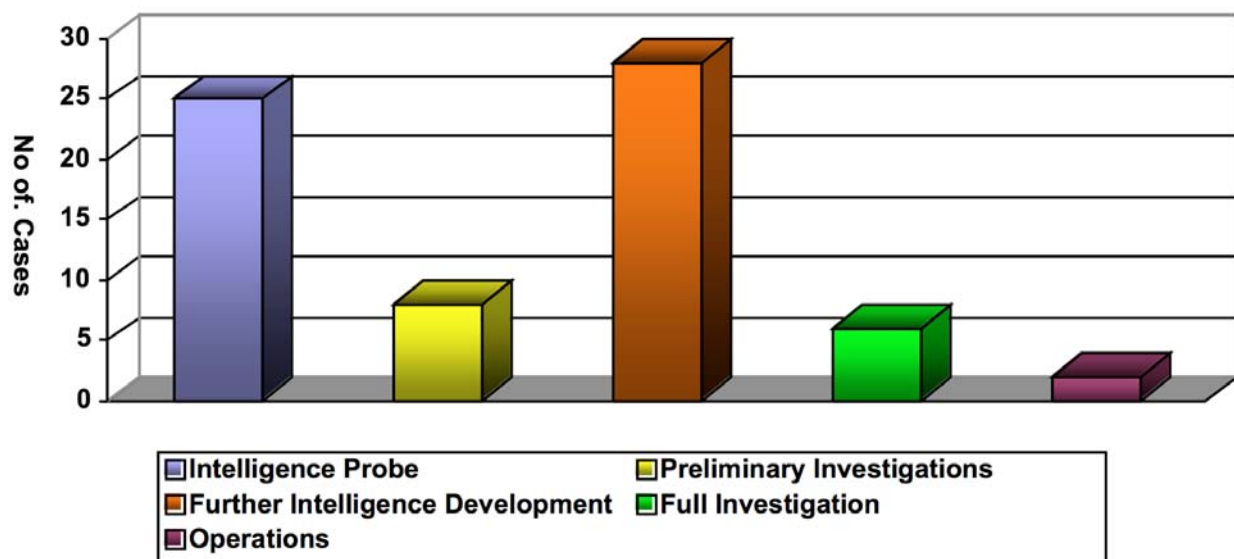
Reports

The Department received **25** reports from the Report Centre and **39** Intelligence Reports (IR) from various officers within the commission in the month of August 2009 and were distributed for action as follows:-

Breakdown

Item	Sources	No of Reports	Total
Reports Received	Report Centre	25	64
	Confidential Sources	39	
Handling of the Reports			
	Task	Division	No of Reports
1	Intelligence Probe	New tasks to Collection Division	20
		Tasks completed during the month	5
2	Preliminary Investigation	Preliminary Investigation	8
3	Further Intelligence Development	Analysis and Production	28
4	Full Investigation	Forensic Investigation	6
5	Operation	Rapid Response	2

Graphical Representation of Handling of Cases



4.1 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

Activities for the month

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.

TABLE 7: Breakdown of cases

Item	Sources	No of Reports	Total
Reports Received	Report Centre	1	2
	Confidential Sources	1	
Handling of the Reports			
	Task	Division	No of Reports
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