



DIRECTORATE OF INVESTIGATION AND ASSET TRACING

MONTHLY REPORT, NOVEMBER 2009

Introduction

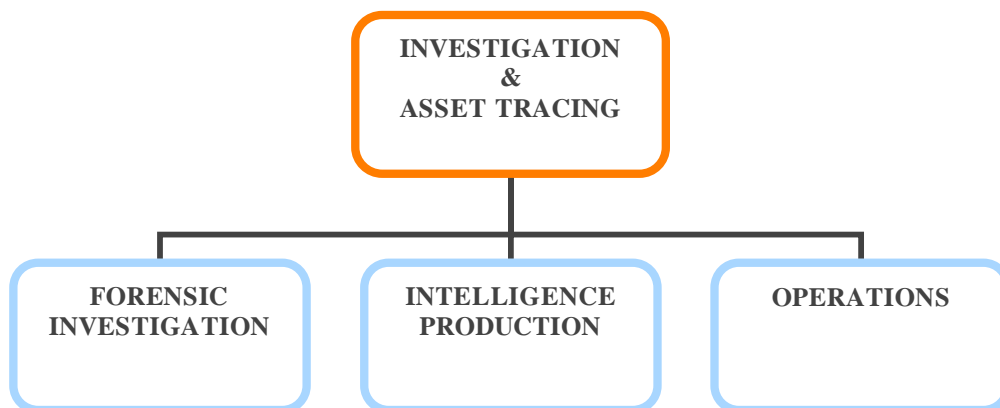
The Directorate of Investigation and Asset Tracing is one of the four Directorates of the Kenya Anti-Corruption Commission. The functions of the Directorate are to;

- 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.

Reports Centre – Nairobi

During the month of **November 2009**, the Reports Centre Division processed **286** reports as compared to **267** in **October**. The number of cases received has slightly increased with the relevance of cases that falls within the Commission's mandate remaining on average **31.7%** for the year.

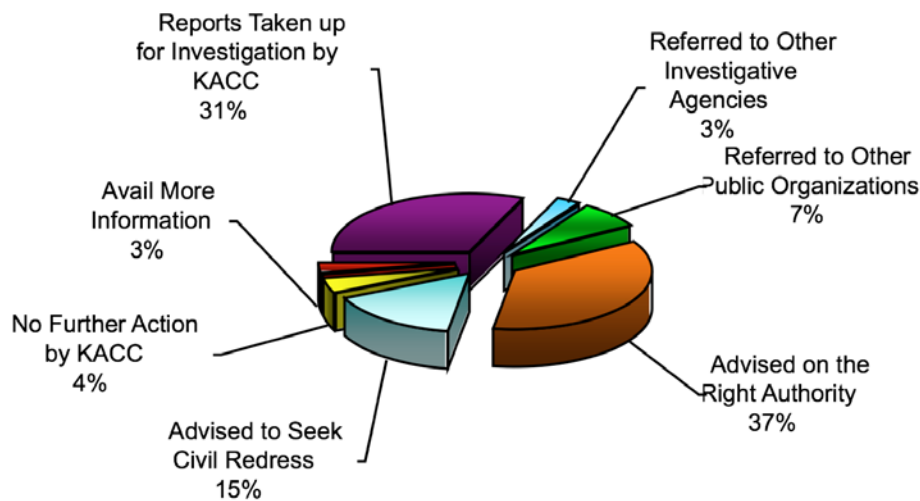
After analysis and classification the reports were disposed off as follows:

- The Commission took up for investigation **90** reports which were found to be within its mandate. The Intelligence Production Department accounted for **39** of the reports; the

Operations Department took up **36**, Forensics Department took up **14** cases while the legal department took up the remaining **1** case.

- **8** reports were forwarded to other investigative agencies for action with the Criminal Investigations Department accounting for **5** and the Kenya Revenue Authority **3**.
- The Commission referred **21** other reports to various Public Service Organisations for administrative intervention.
- In **44** reports the complainants were advised to seek civil redress.
- In **103** 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 **8** reports, the complainants/informers were requested to avail more information.

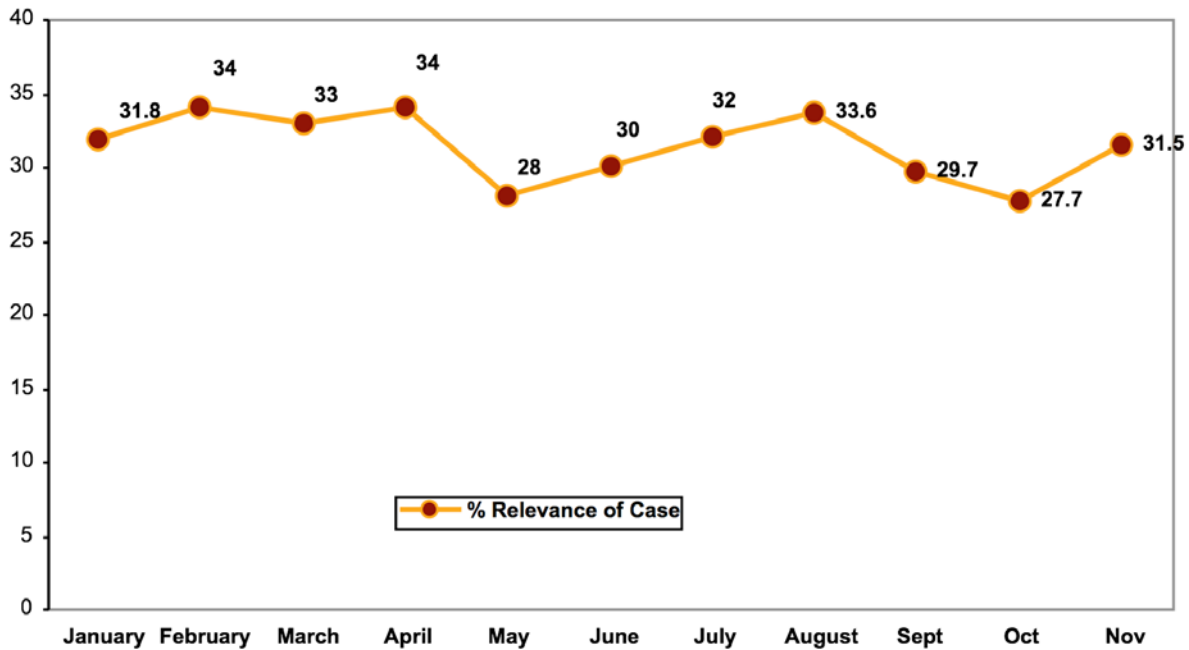
Categorization of reports processed by KACC in November 2009



Breakdown of Reports Processed.

	Category	Referral Agency	No. of cases	Total
1	Reports taken-up for action by KACC	KACC - Intelligence Production	39	90
		KACC – Rapid Response	36	
		KACC – Forensics	14	
		KACC - Legal	1	
2	Reports Forwarded to Other Investigative Agencies	Criminal Investigations Department	5	8
		Kenya Revenue Authority KRA	3	
3	Reports Forwarded to Other Public Service Organisations	Ministry of Basic Education	7	21
		CDF National Management Committee	4	
		Kenya National Audit Office	1	
		Ministry of Environment	1	
		Ministry of Finance	2	
		Ministry of Local Government	1	
		Ministry of Medical Services	1	
		Ministry of Roads and Public Works	1	
		Other Organizations	3	
4	Advised to Pursue the Matter in Court			44
5	Advised on the right authority to report matter to			103
6	Complainants to Avail More Information			8
7	No Further Action by KACC			12
Total				286

Percentage Relevance of Cases Received for the past 11 months



Reports Centre - Mombasa

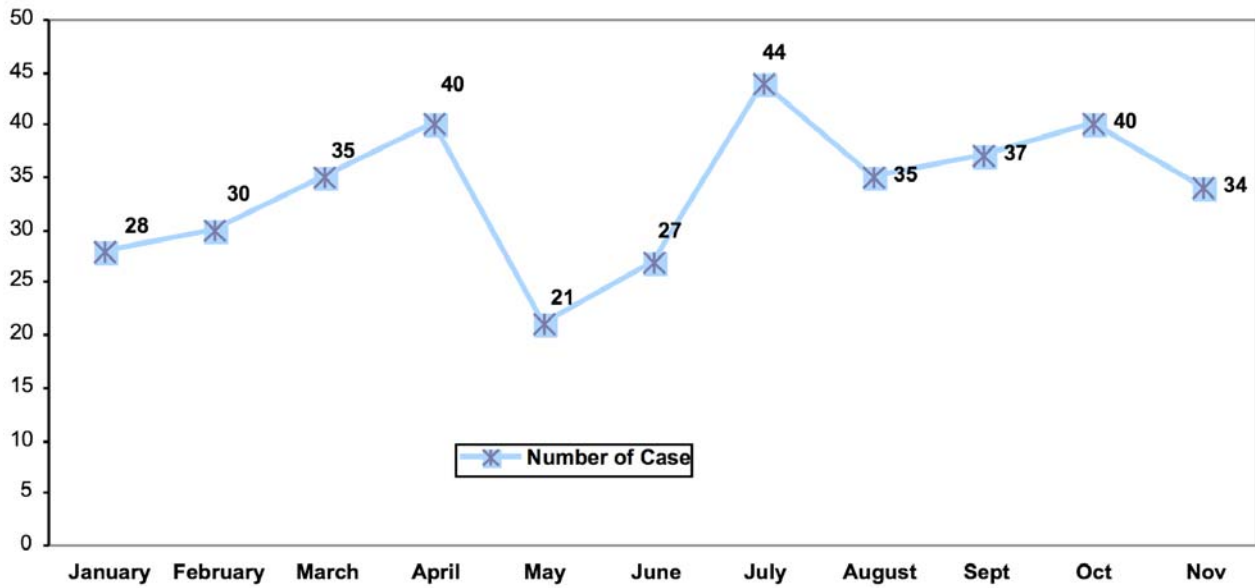
A total of **33** cases were received and processed in the month of **November 2009**. Disposal after analysis is as follows:-

- **12** reports found to be within the Commission's mandate were dealt with as follows:
 - **2** were taken up for intelligence production
 - **3** for Forensic Investigations, and
 - **7** to Rapid Response for trap operations
- **6** cases were referred to the other government bodies and investigative agencies.
- **15** complaints were found to be outside KACC's mandate. The complainants advised on the right authority to report to.

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	13
		Rapid Response	8	
		Forensic	3	
2	Referred to other Investigative Agencies	KRA	1	3
		PPO	1	
		PCIO	1	
3	Referred to Public Organisations	Provincial Director of Education	1	3
		Mombasa Municipal Council	1	
		KPLC	1	
4	Advised	Pursue the matter in court	5	15
		Right authority to report	10	
TOTAL				34

No of Cases received for the past 11 Months.



Forensic Investigation – Nairobi

Summary of Cases as at 30th November 2009

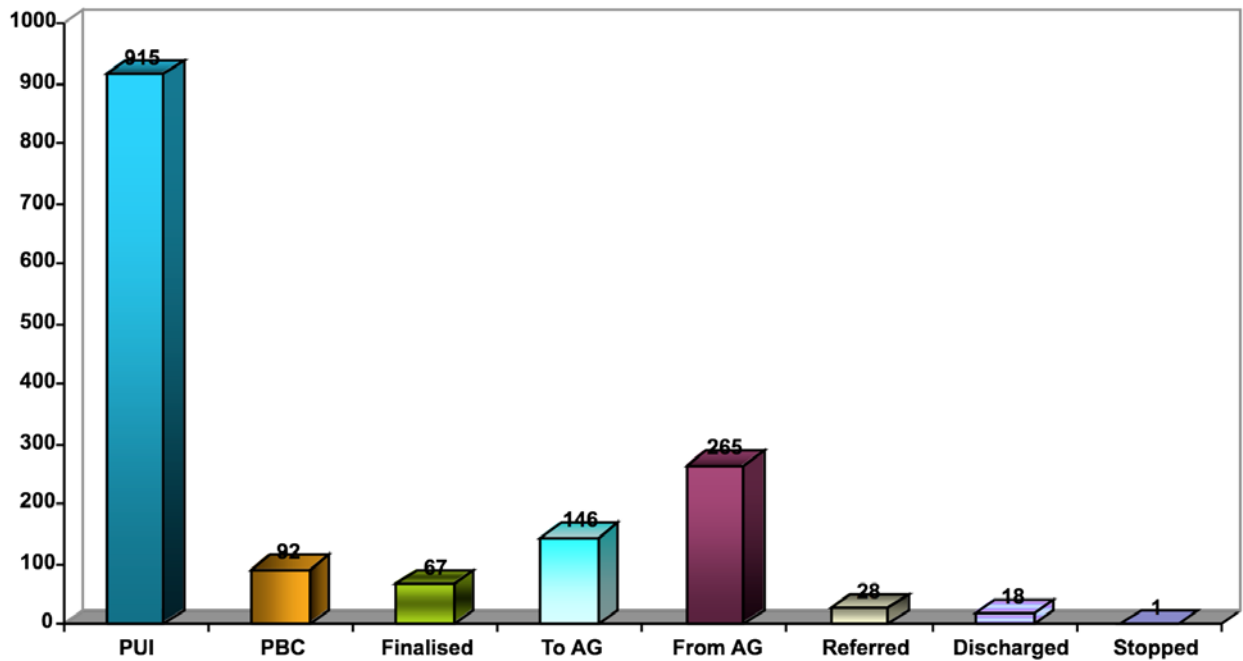
Below is a tabulation of cases and their respective status handled by the Department in the month of November 2009.

Item	Description	No. of Cases	
		Segment	
1.PUI	Cases Pending Investigation		
	Cases Received for Investigation	7	26
	Cases Assigned for Investigation	12	
	Completed Files Forwarded to Crime Reader	7	
2.Pbc	Cases Taken to Court:		
	- Cases Taken for Plea	nil	nil
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	2	5
	- With Recommendation for Closure	2	
	- With Recommendation for Administrative Action	1	
	After Further Investigations	nil	
5. From A-G	Files Received from the Attorney-General		
	To Prosecute	nil	nil
	To Close Due to Insufficient Evidence	nil	

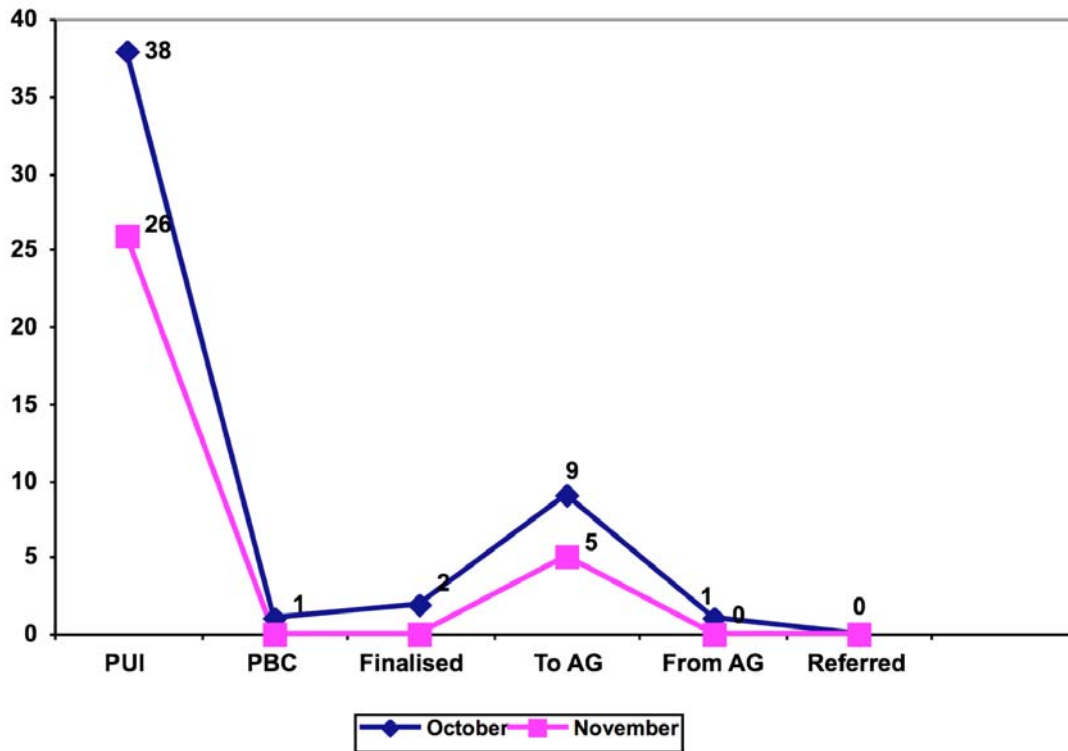
Advice	For Administrative Action	nil	
	For Further Investigation	nil	
	To Consolidate	nil	
6.REFERRED	Cases Referred to Other Agencies	nil	nil
7.REPORTS	Investigation Reports Prepared For Action	nil	nil

* Bribe demand cases not included.

Graphical Representation of the Cases as of 30th November 2009



Comparative Analysis of Cases processed in October and November 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		
	New Cases Received during the month	2	
	Cases assigned for Investigations	-	
	Cases under investigations	11	
	Cases awaiting allocation	-	
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)		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	-	

Rapid Response – Nairobi

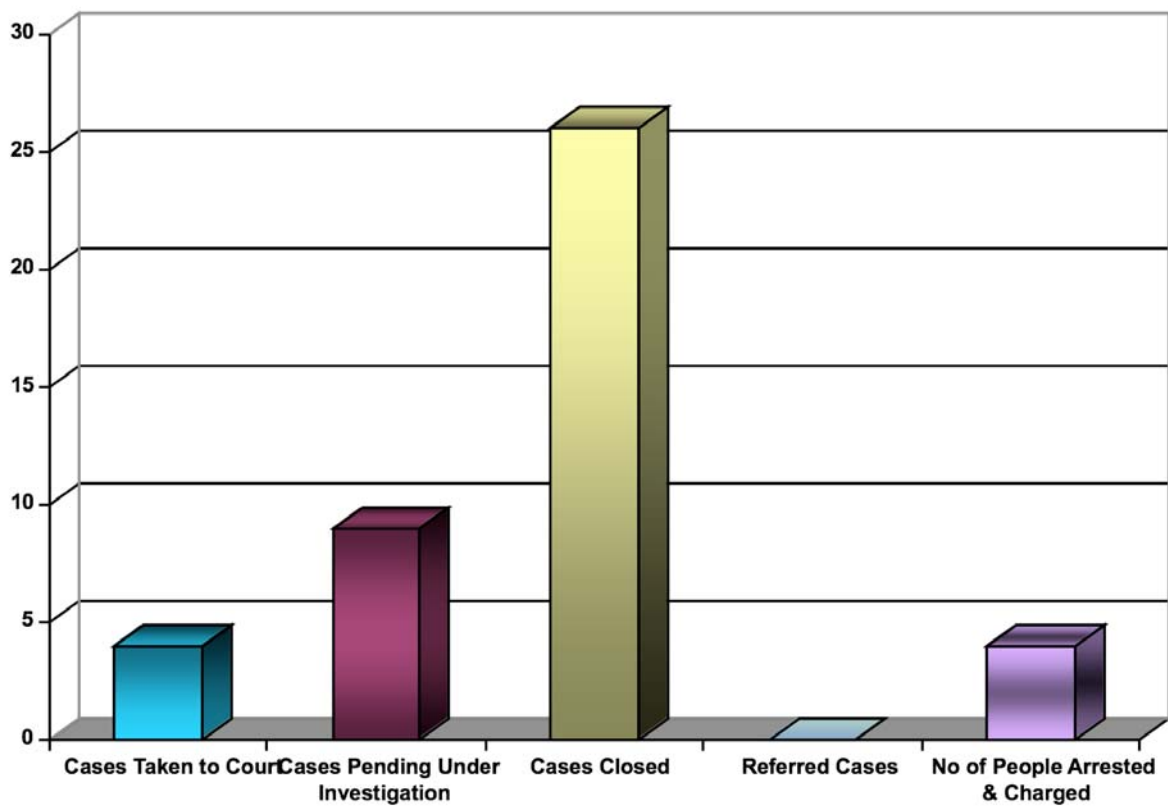
Summary of Cases Received in November 2009

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

New cases received During the Month

Category		Status	Previous	November	Total
			No	No	
1.	Bribery	Number of cases taken to court	-	4	4
		Cases pending under Investigations	2	7	9
		Cases Closed, No Further Action	3	23	26
		Cases referred	-	-	
		PAKA	1	-	1
2.	Sting				
TOTAL			6	34	40
Number of persons arrested and charged					4

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-November 2009.

Status	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Total
Number of cases taken to court	3	7	5	5	1	7	9	4	1	8	4	54
Cases Closed, No Further Action	17	11	39	20	17	18	29	20	19	22	26	238
Cases Referred	0	2	4	3	1	0	0	0	2	1	0	13
Number of Persons arrested and charged	3	8	7	6	1	9	9	5	1	9	4	62
Cases Pending Under Investigation												9

Rapid Response – Mombasa

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

Category		Status	No. of cases
1	New Cases received	PBC	-
		PUI	7
		Cases Closed, NFA	1
Total			8
Number of persons arrested and charged			-
Cases taken to court During the Month			-
Convictions			-
Acquittals			-

Running Summary of Cases in 2009

Status	Jan	Feb	Mar	April	May	June	Jul	Aug	Sep	Oct	Nov	Total
Number of case taken to Court	1	-	1	1	-	-	-	-	-	1	-	4
Cases closed. No further action	2	4	1	3	1	1	2	-	1	2	1	18
Cases referred		-	1	-	-	-	-	-	-	-	-	1
Number of Persons arrested and charged	2	-	1	1	-	-	-	-	-	-	-	4
Cases Pending under investigation												7

Intelligence Production Department- Nairobi

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

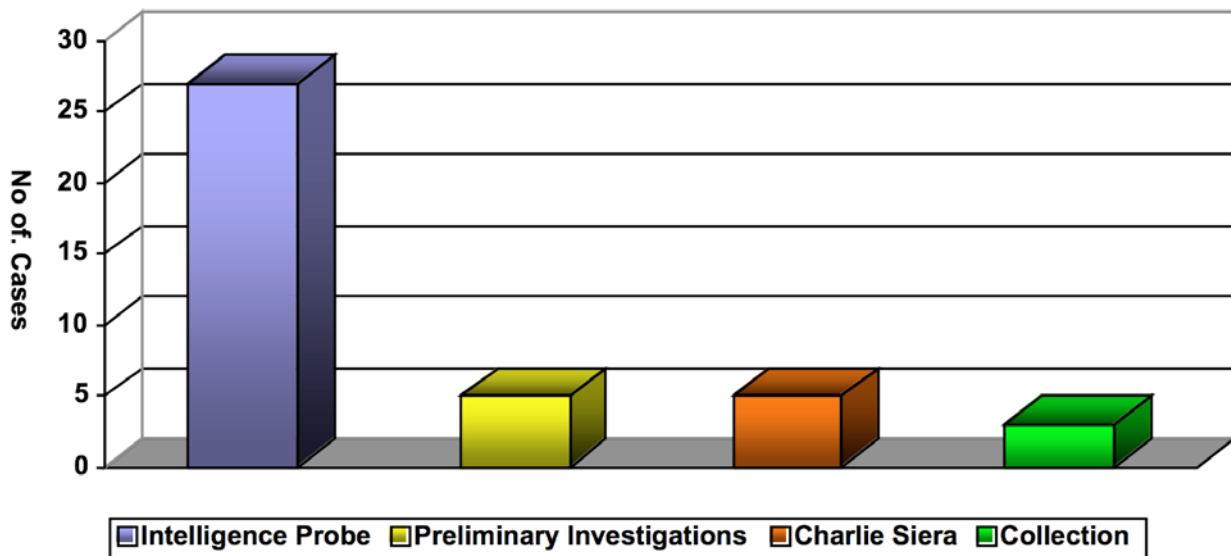
Reports

The Department received **18** reports from the Report Centre, **16** Intelligence Reports (IR) from various officers within the commission and **5** reports from operation Charlie Siera. There was also **1** *ad hoc* task handled during the month of November, 2009.

Breakdown

Item	Sources	No of Reports	Total
Reports Received	Report Centre	18	40
	Confidential Sources	16	
	Charlie Siera	5	
	<i>Ad hoc</i> task	1	
Handling of the Reports			
	Task	Division	No of Reports
1	Intelligence Development/Probe	Collection	27
2	Charlie Siera	Rapid response	5
3	Preliminary investigations	Preliminary investigations	5
4	Covert Investigations	Collection	3
TOTAL			40

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 6 Reports from the Reports Centre and 2 reports from confidential sources.

Months Activities

1. Surveillance on the Mariakani weighbridge, Kenya Ports Authority and Container Freight Stations.
2. Investigations into irregular release of a consignment of 6 motor vehicles by Kenya Bureau of Standards and KRA officers without payment of requisite taxes.

TABLE 7: Breakdown of cases

Item	Sources	No of Reports	Total
Reports Received	Report Centre	2	3
	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	-
2	Preliminary Investigation	Preliminary Investigation	3
3	Full Investigation	Forensic Investigation	1