



REPORTING AND INVESTIGATING CORRUPTION

By

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Kenya Anti Corruption Commission

Workshop Programme:

Integrity Assurance Officers' Training;

University of Nairobi- 21st to 24th February 2011





Objective

- To enlighten participants on the process of reporting and investigating corruption at KACC.

Scope

- Organizational Structure of KACC.
- Organizational structure of Investigations and Asset Tracing Directorates Structure (IAT).
- Reports and Data Centre.
- Forensics Investigations Department.
- Operations Department.
- Intelligence Production Department.



Introduction

The Kenya Anti-Corruption Commission is constituted by an Act of Parliament, namely; the Anti-Corruption and Economic Crimes Act, 2003 (ACECA-2003). The mandate of the Commission is spelt out in section 7 of the ACECA-2003.

Reporting

What is a report?

- **an account** of something seen, heard, read, done, or considered.
- Detailed accounts of information or statements, which may also include opinions and findings on a particular topic.
- a written document describing the findings of some individual or group;
- An organized collection of data, prepared for viewing or printing.
- The presentation of a formatted collection of information; can be presented on paper, on the web, on diskette, or online.

Reporting

- The word reporting is defined as **giving spoken or written account of something, conveying information about events or a situation or making a formal complaint.**
- Those who report expect remedial action to be taken.
- Confidentiality must be maintained to protect those who make disclosures.
- A proper system of receiving and processing reports is crucial.

Why report a crime ?

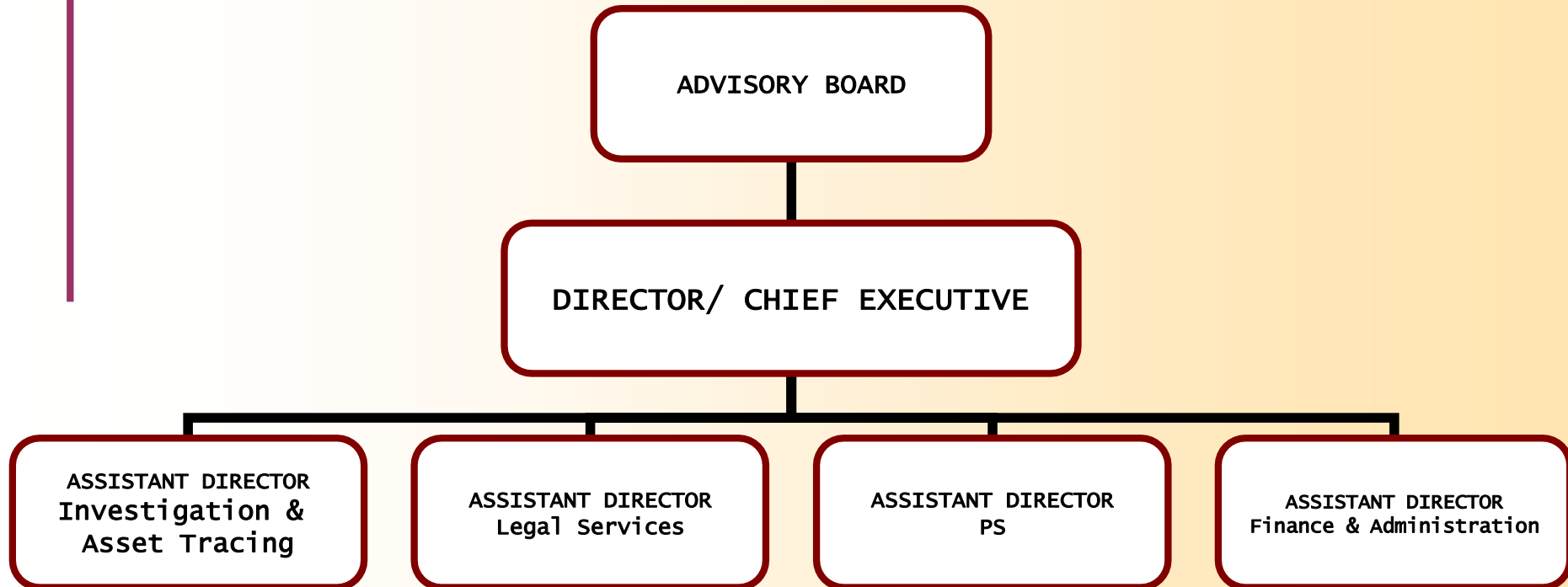
- To enable the offender to be arrested and punished
- To get help
- To stop a crime from happening
- Because crime should be reported
- To recover property/claims/compensation

Mandate of KACC

- To investigate actual corruption;
- To investigate any conduct conducive to corruption;
- To assist any law enforcement agency in the investigation of corruption;
- To trace illegally acquired public assets for the purpose of recovery.
- Section 7 of the *ACECA-2003* outlines other mandates of the Commission in regard to prevention and public education.

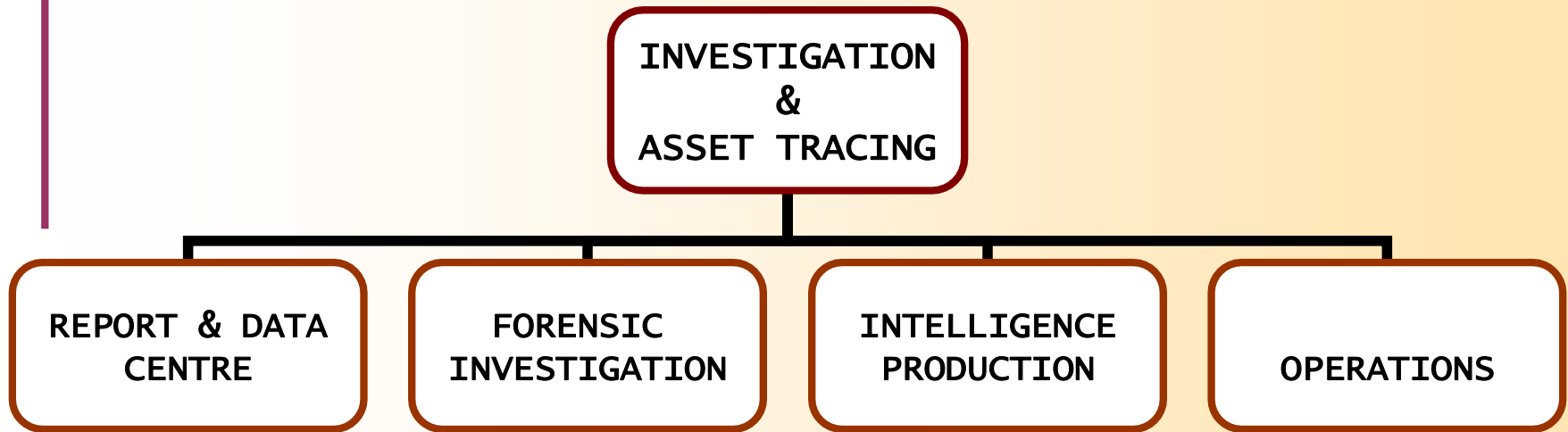


Organizational Structure of KACC





Organizational Structure of IAT





Reports and Data Centre

Introduction

- As mentioned earlier, the Anti-Corruption and Economic Crimes Act 2003 established the Kenya Anti Corruption commission
- Section 7(1) (2) empowers the Commission to receive reports / Complaints on (real) or suspected corruption.

Why Report Corruption

- It requires joint efforts between members of the public and government to fight corruption
- To enable Anti-corruption agency know where and how corruption takes place, identify risk areas and recognize patterns and trends in Corruption
- To enable the anti-corruption agency to investigate or undertake corruption prevention and education work.





Reports and Data Centre

Functions of the Reports and Data Centre

1. To receive all reports of suspected or real corruption.
2. To analyze complaints by making reference to the Anti-Corruption and Economic Crimes Act and the Public Officer Ethics Act.
3. To classify and prepare case summaries on complaints received
4. To refer complaints to other investigative agencies and government bodies to deal as per section 7(3) of the ACEC Act, 2003





Reports and Data Centre

5. Develop and manage an appropriate database of reports made to the Commission.
6. Generate statistics on cases reported to the Commission.
7. Forward cases of corruption to other departments of the Commission for further action.





Reports and Data Centre

Sources of Corruption Reports

1. **Complainants:** - A party that makes a complaint, files a formal charge or raises concern about something they believe to be amiss. They are aggrieved, affected and/or have interest.
2. **Informants:** - Person who provides information to law enforcement agencies without necessarily having direct interests in the matter. They provide the best information because: they are experts in their areas/professions, have access, witnessed or were party to the offence before opting out and /or have been victims but prefer anonymity.
3. **Government Departments/Ministries; PSs, KENAO, EMU, Inspectorate of State Corps.**
4. **Parliamentary Reports-PAC / PIC**
5. **The Media**

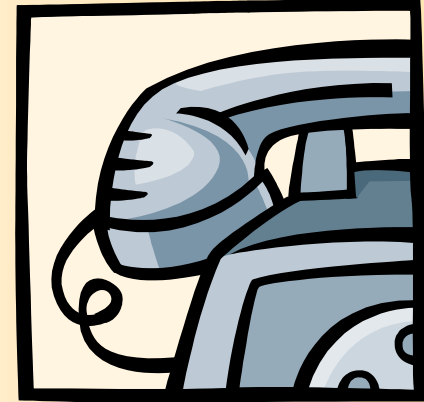




Reports and Data Centre

Modes of Receiving Reports

1. In Person
2. Telephone
3. Fax
4. E-Mail
5. Letters
6. Media
7. Reports from other Government bodies
8. Corruption report boxes
9. Anonymous Reporting System- (BKMS)

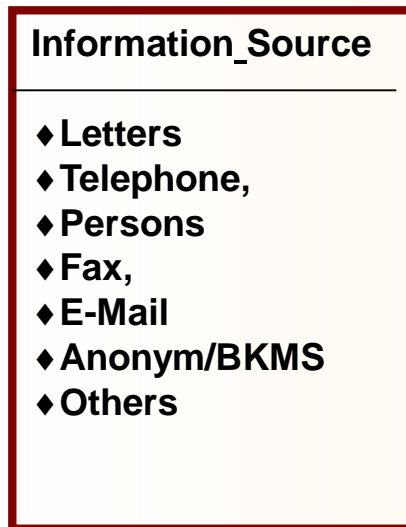




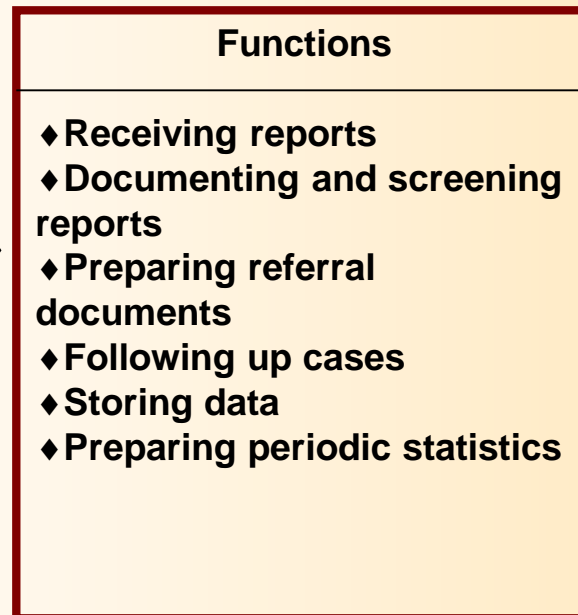
Reports and Data Centre

Information Flow

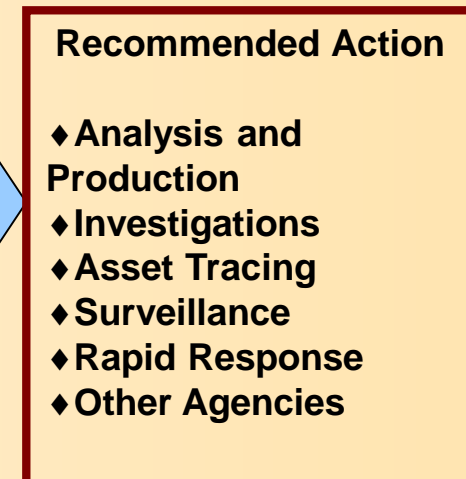
Input



Processing



Output



STATISTICS OF REPORTS

- 2003 No of reports received 3392-
within mandate- 303
- 2004 No of reports received 2838
within mandate-195
- 2005/06 No of reports received 7888-within
mandate 1183 (15%)
- 2006/07 No of reports received 8188 within mandate
1637(20%)
- 2007/08 No of reports received 4485 within
mandate1121(25%)

CONT STATISTICS OF REPORTS

- 2008/09 No of reports received 4335 within mandate 1270 (29%)
- 2009/2010 No. of reports received 4, 372 out of which 1, 282 (29 %)were within mandate.

Action/advice on reports received

- Taken up by KACC
- Referred to other Investigative Agencies
- Referred to Public Service Organizations
- To avail more information
- Advised on right authority to report matter to
- Advised to seek civil redress
- No further Action by KACC



Forensics Investigations

Introduction

The Department is responsible for: -

- Investigating allegations of (macro) corruption and economic crimes.
- Investigating the extent of liability for loss or damage of any public property for purposes of recovery





Operations

Introduction

The Department is responsible for: -

- Fighting micro-corruption through sting (trap) operations and integrity testing.
- Provide backup physical and technical support to Forensics Investigations/ Intelligence Production and other Investigative Agencies
- Security of staff and facilities for the Commission
- Responsible for emergency and business continuity plans





Intelligence Production Department

Introduction

- The Department is responsible for collection, collation and dissemination of Intelligence on corruption and economic Crimes.



MODES OF INVESTIGATIONS

- TWO APPROACHES

- Proactive

- Reactive

PROACTIVE TECHNIQUE

- **Intelligence-Led Anti-Corruption Model (ILACOM)**
- It is a management decision-making model that is intended to provide a forum within which decision-makers can draw upon tactical and strategic intelligence advice.
- It is a systematic process of identifying priority areas for proactive interventions
 - Strategic Assessment
 - Tactical Assessment
- **Project Driven**
 - Devolved funds (Pro-poor funds)
 - Corruption in public procurement
 - Corruption in revenue collection
 - Law enforcement corruption
 - Service delivery points

Reactive Investigations

- These are investigations done after the alleged corrupt activities have been committed more of historical and covers areas of devolved funds, procurement and revenue collection

Challenges

- Impact of influential personalities
- Political and public pressure
- Closed circle of subjects
- Nature of evidence historical
- Sensitivity of investigations
- Politicization of investigations
- Investigation transnational
- Legal



Web Reporting through the internet based Anonymous System (BKMS)



Introduction

- Web based reporting system that provides a secure and anonymous mode of reporting corruption which is available through Business Keeper Monitoring System (BKMS)
- The System is accessed through the Official KACC Website www.kacc.go.ke
- Target Group – Civil Servants, White Collar Crime, General Public
- The BKMS system has provided a very suitable platform for reporting corruption anonymously without fear of victimization or persecution



BKMS SYSTEM

How BKMS works

Whistle Blower



Reports about corruption cases



KACC analyst / investigator



Receives the report and can enter into a dialogue with the whistleblower and request more information



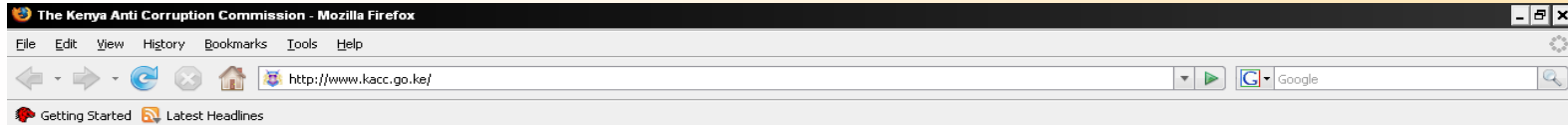
Business Keeper AG




Technical supervision of the system.
No possibility to access the whistleblower's report



BKMS SYSTEM





KENYA ANTI-CORRUPTION COMMISSION

On the Frontline Against Corruption

[Home](#) | [Contacts](#) | [Links](#) | [Sitemap](#) | [FAQs](#)

SEARCH

ABOUT KACC

WHAT'S NEW

PRESS RELEASES/ SPEECHES

REPORT CORRUPTION NOW!

PUBLICATIONS

MULTIMEDIA

COURT CASES

ADVERTS

LEGISLATION

BRIEFS - PRIME MINISTER'S SPEECH DURING THE OPENING OF THE 3RD ANNUAL INTEGRITY REVIEW CONFERENCE

"A corrupt person does not steal public property on behalf of his ethnic community or political party. He does this in his own interests and those of his accomplices. When caught, he/she must therefore carry the consequences without appealing to ethnic and political passions"...[Click here to read the speech](#)

GRAND REGENCY: LEGAL POWERS OF KACC TO ENTER AN OUT OF COURT SETTLEMENT

The Kenya Anti-Corruption Commission's attention has been drawn to some recent reports and articles in sections of the national press alleging that the Grand Regency Hotel in Nairobi was recovered by the Kenya Anti-Corruption Commission under a void (non-existent) law...[Read more](#)

VACANCY: Assistant Director (Investigations & Asset Tracing)

The Kenya Anti-Corruption Commission Advisory Board wishes to invite suitable candidates to apply for the position of Assistant Director (Investigations & Asset Tracing), in the Kenya Anti-Corruption Commission...[Read more](#)

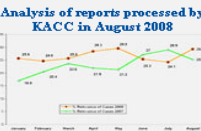
SECOND QUARTERLY REPORT FOR THE YEAR 2008 - APRIL TO JUNE

The Kenya Anti-Corruption Commission has forwarded to the Attorney General it's Quarterly Report for the period April - June 2008 setting out the number of reports made during the said period as stipulated by section 36 of the Anti-Corruption and Economic Crimes Act, 2003. The Commission forwarded 23 files of which 15 of the files the Commission recommended prosecution. The Attorney General has accepted 12 of the files forwarded for prosecution....[Click Here to view the Report](#)

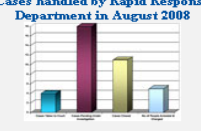
CORRUPTION PREVENTION STRATEGIES UNDER THE PERFORMANCE CONTRACT

Under the Performance Contracts all Public institutions are required to mainstream corruption prevention strategies under the "Corruption Eradication" performance indicator. This entails: development of an Institutional Anti-Corruption Policy, Operationalizing corruption prevention/integrity committees; development of


Analysis of reports processed by KACC in August 2008




Cases handled by Rapid Response Department in August 2008



Cases handled by Forensic Investigations Department in August 2008




Cases in Court



REPORT ANONYMOUSLY!

[Click here to report](#)



Integrity Centre
Milimani/Valley Road Junction
P.O. Box 61130-00200
Nairobi, Kenya
General Lines: 020-2717318, 020-310722
Fax: 2719757
Email: kacc@integrity.go.ke

Report Centre
Hot Line: 2717468 / 0727-285663 / 0733-520641
Hot Fax: 020-2717473
Email: report@integrity.go.ke

Mombasa Office
Apollo Court- Moi Avenue
P.O. Box 82351- 80100
Tel: 041- 2319081 / 2319082
Fax: 041- 2319083
Mombasa, Kenya

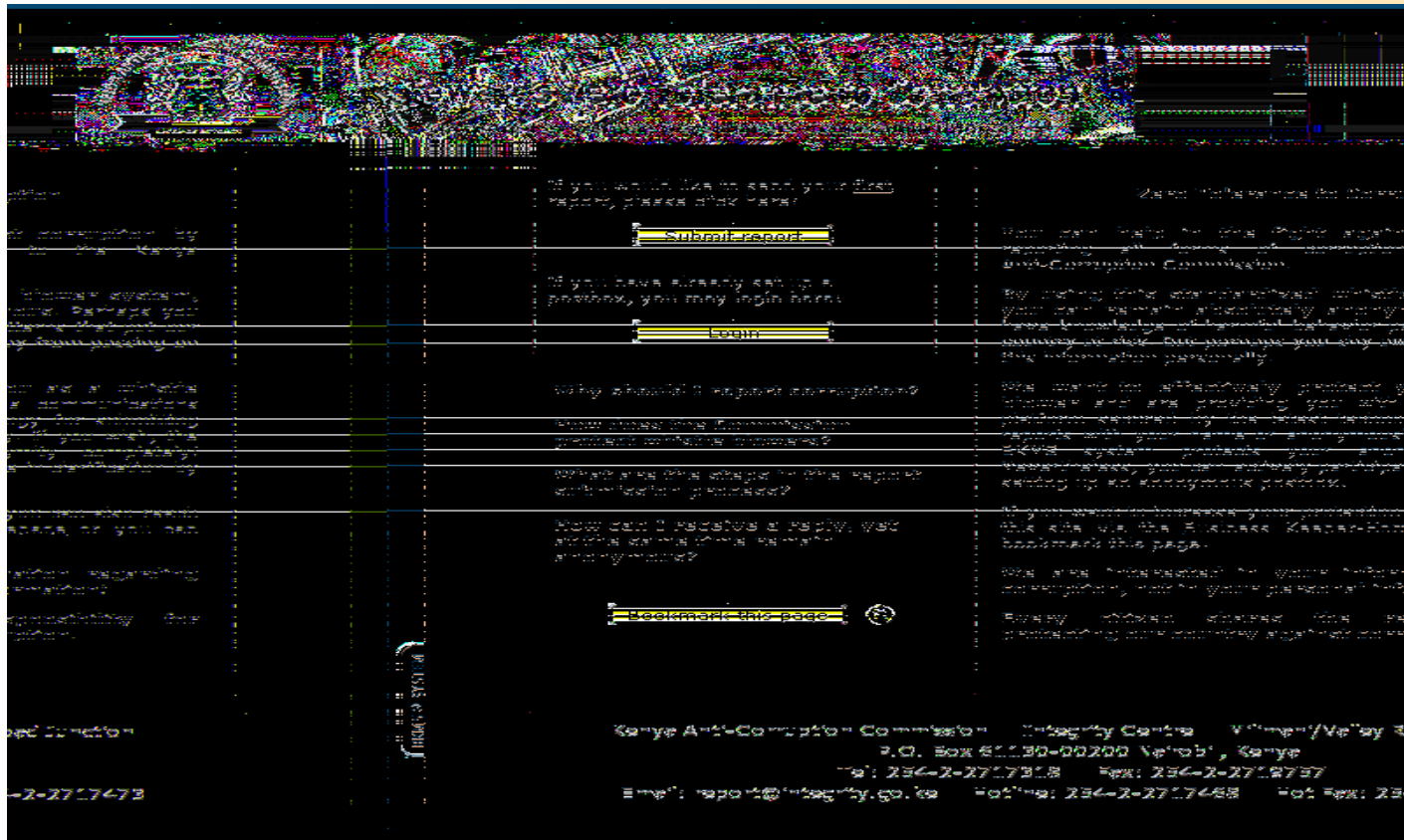
Recognition...





BKMS SYSTEM

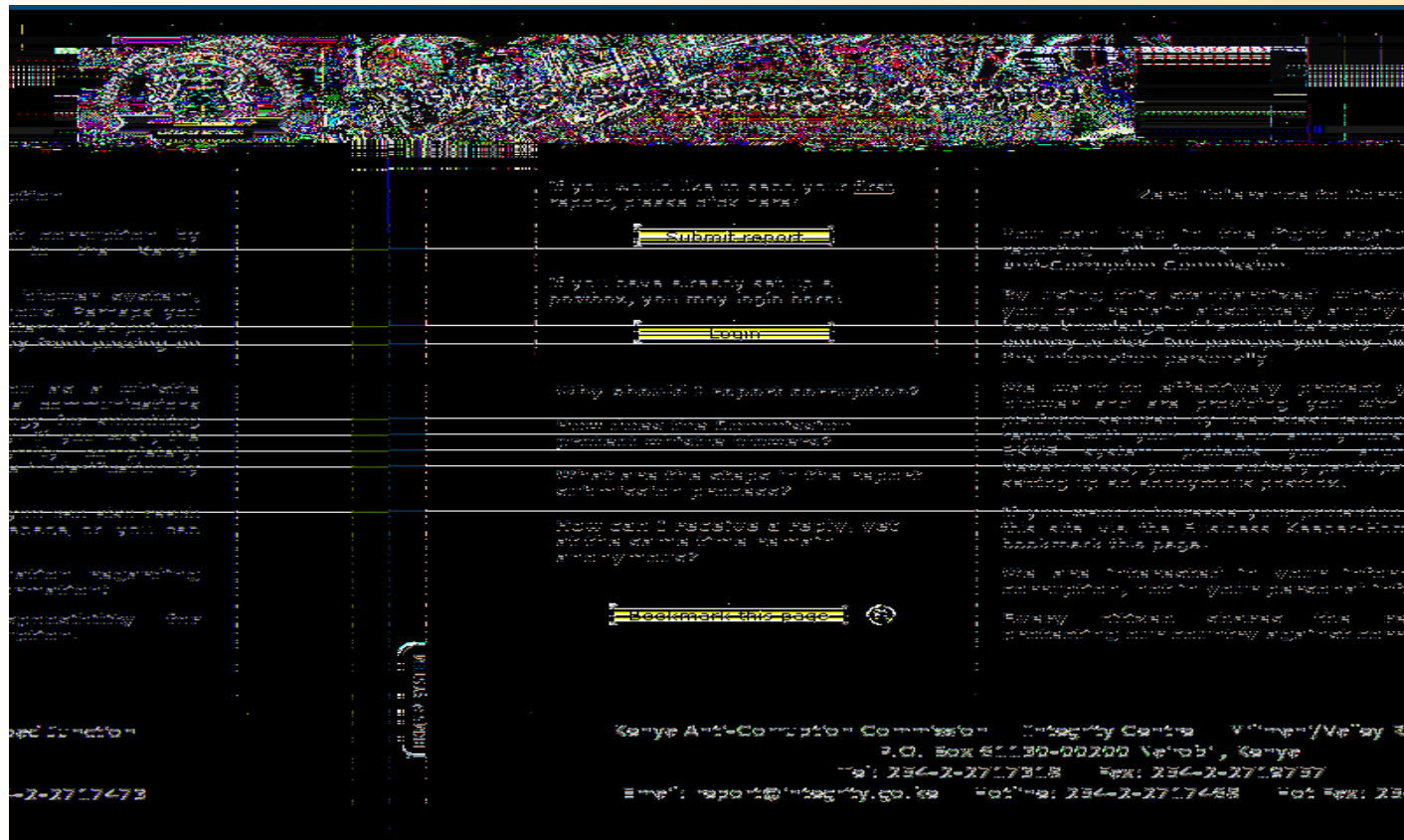
Whistle Blower Interface





BKMS SYSTEM



Whistle Blower Interface





BKMS SYSTEM

Whistle Blower Interface



Towards Zero Tolerance to Corruption
Sponsored by German Development Cooperation through **gtz**

Back **Close window**

Report to be sent to: **Kenya Anti-Corruption Commission, Nairobi**

Choose from the following list the category that best indicates the focus of your lead and click on "Continue".

If you wish to report on a topic that is not included in the listed categories, your lead may be rejected by the system.

For examples and an exact explanation of the categories click on "i".

<input type="radio"/>	Conflict of interest	i
<input type="radio"/>	Bribery	i
<input type="radio"/>	Fraud	i
<input type="radio"/>	Abuse of office	i
<input type="radio"/>	Embezzlement / Misappropriation of public funds	i
<input type="radio"/>	Fraudulent acquisition and disposal of public property	i
<input type="radio"/>	Land grabbing	i
<input type="radio"/>	Public procurement irregularities	i
<input type="radio"/>	Breach of trust	i
<input type="radio"/>	Tax evasion	i

Continue

Kenya Anti-Corruption Commission Integrity Centre Milimani/Valley Road Junction
P.O. Box 61130-00200 Nairobi, Kenya
Tel: 254-2-2717318 Fax: 254-2-2719757
Email: report@integrity.go.ke Hotline: 254-2-2717468 Hot Fax: 254-2-2717473

BKMS@ SYSTEM



BKMS SYSTEM

Set up your post box (*optional*)

Close

Thank you for your report.
Your report has been designated with the following number: **102C7A**
This number is your proof that you have filed the report.
You can now print your report.

**Help us to solve the case!
Set up your own anonymous postbox.**
This postbox allows you to communicate anonymously with the examiner. You can receive comments on the case's processing status and answer additional questions concerning your report.
Note: It is only here - at the end of sending your report - that you have the opportunity to set up a postbox.
Choose a pseudonym with at least five but no more than ten characters.
Your password must contain at least five characters. We recommend passwords of at least ten characters and with at least one special character (for example ;_!%&:).
Remember your access information. You will always need it to log into your postbox. Your access information is known only to you and cannot be recovered should you lose it. You should keep your access information in a safe place and protect it from third parties.

Yes, I wish to set up an anonymous postbox.

Pseudonym:

Password:

Password verification:


No, I do not wish to set up an anonymous postbox.

Kenya Anti-Corruption Commission Integrity Centre Millimani/Valley Road Junction
P.O. Box 61130-00200 Nairobi , Kenya



BKMS SYSTEM

Post box



Anonymous Postbox

[Refresh](#) | [Logout](#)

You are in your anonymous postbox.

You can read your examiners's feedback here, respond and/or expand on to it and submit new reports. In this way you can actively participate in solving your case.

Only you have access to your anonymous postbox and will continue to remain unknown to the recipient in all further communications as long as you do not voluntarily disclose any personal information.

An overview of your report is maintained. Reports are able to be read and printed in the postbox for three days only. Please note that this also applies to your examiner's feedback once you have read it.

Do not forget to logout when exiting your postbox.

[Send a new report](#)

102C7A	
Kenya Anti-Corruption Commission, Nairobi	
My Report: Exorbitant Bills	24.01.2006
My Addition	24.01.2006
Feedback	24.01.2006

[Send addition](#)



BKMS SYSTEM

Report Page

Report to be sent to: **Kenya Anti-Corruption Commission, Nairobi**
Category: **Public procurement irregularities**

Subject: * * Required field

Do you want to state your name? * Yes No
If yes, be aware that you voluntarily give up your anonymity.

Please describe the incident in as much detail as possible: *

If you want to remain anonymous, the BKMS system protects your anonymity technically. Please be aware that in this case you do not provide any details that may reveal your identity.

You still have **4096** characters at your disposal.

Please answer the following questions in order to optimize processing your report even if you have already provided the answers in the text field:

Which public organisation / person are you complaining about? *

Is there a private organisation involved? Yes No

In what province did the incident take place? *

In what district did the incident take place? *

What was the approximate amount of monetary damage in Kenyan Shillings? *

What type of public procurement irregularity are you reporting?

Do you have any documents to support your report? * Yes No

Attachments: You can send files of up to two MB.

Note on sending attachments: Files may contain hidden personal information that could jeopardize your anonymity. Please remove all such information before sending a file. If you are unable to remove such information, copy the text from your file into the text area above or send a printed copy of the document anonymously using the number that is provided at the end of the report to the examiner's address (see footnote).

Note has been acknowledged.

If you want to send more than one file, create your anonymous postbox at the end of this process. There you can transmit more attachments as an addition.

If you have any documents to support your report, take note of the number which will be assigned to your report after you click send, write it on the document and send it to KACC.

Report to be sent to: **Kenya Anti-Corruption Commission, Nairobi**
Category: **Bribery**

Subject: * * Required field

Do you want to state your name? * Yes No
If yes, be aware that you voluntarily give up your anonymity.

Please describe the incident in as much detail as possible: *

If you want to remain anonymous, the BKMS system protects your anonymity technically. Please be aware that in this case you do not provide any details that may reveal your identity.

You still have **4096** characters at your disposal.

Please answer the following questions in order to optimize processing your report even if you have already provided the answers in the text field:

Which public organisation / person are you complaining about? *

Is there a private organisation involved? Yes No

In what province did the incident take place? *

In what district did the incident take place? *

What was the approximate amount of monetary damage in Kenyan Shillings? *

Is the person you are reporting a *

In what form was the bribe?

Do you have any documents to support your report? * Yes No

Attachments: You can send files of up to two MB.

Note on sending attachments: Files may contain hidden personal information that could jeopardize your anonymity. Please remove all such information before sending a file. If you are unable to remove such information, copy the text from your file into the text area above or send a printed copy of the document anonymously using the number that is provided at the end of the report to the examiner's address (see footnote).

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Dropdown menu options:
- Select form -
Cash
Gift
Loan
Fee
Reward
Appointment
Service
Favour
Failure to take action
Promise
Other consideration or advantage



BKMS SYSTEM

BKMS challenges

- Low computer literacy levels and limited access to computers
- Low internet speeds affect usability
- Limited connectivity to electricity / internet especially in rural areas
- Relatively expensive internet access

Protection for those who report

- ACECA s.65 offers protection to those who make report or give assistance to investigators.
- Witness Protection Act, 2006-currently being implemented by the Witness Protection Unit in the AG's Office.



Conclusion

- People with information on corruption must be encouraged to report.
- Precaution against retribution is crucial especially in cases of official corruption. The informant must be protected e.g. by ensuring anonymity and confidentiality upon receipt of the report and during investigations.





Report Corruption To

The Director/Chief Executive
Kenya Anti- Corruption Commission
Integrity Centre
Milimani Road/Valley Road Junction
P.O Box 61130-00200 **Nairobi**

- Telephone; (020)-310722;(020)-2717318
- MOBILE: 0727285663, 0733520641
- Fax;(020)-2717473
- EMAIL; kacc@integrity.go.ke
- Website: www.kacc.go.ke

Mombasa office-Apollo court, Moi Avenue. Tel
0412319082,0722633157/0734752594

Email:kaccmsa@integrity.com





Parting Shot

Changing a corrupt society and attitude takes time and it is a long process. Indeed, fighting corruption is a war, Henceforth, you shall be among the chosen soldiers to fight it.





THANK YOU

Q & A

