



The
Ethics and
Anti-Corruption
Commission

INTERNAL AFFAIRS

Managing Financial Investigations

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7th December 2021

Tukomeshe Ufisadi, Tuijenge Kenya

Outline

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Introduction



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- Internal Affairs are issues surrounding the investigations into possible misconduct and/or criminal activity by law enforcement officers.
- EACC is a law enforcement agency- it has a mandate to investigate corruption and economic crimes in Kenya.



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Mandate of EACC

- EACC was established pursuant Art. 80 of the Constitution and Section 3 of the EACC Act.
- **Mandate-** Investigations, Asset tracing and Recovery, Ethics & Leadership, Prevention and Education.
- **Section 11 (1) (d)** of EACC Act gives EACC the powers to investigate and recommend prosecution to the DPP.
- Reports to the DPP are forwarded under section 35 of the Anti-



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Mandate Contd.

Corruption and Economic Crimes Act (ACECA) and they touch on investigations on any acts of corruption, economic crimes or violation of codes of ethics or any matter pursuant to Chapter Six of the Constitution (the Leadership & Integrity chapter)

- Section 11 (1) (j) of Act gives EACC powers to recovery or protect public property, freeze or confiscate proceeds of corruption.

Watch Dog/Big Brother



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- The Commission has investigators from different backgrounds and skill sets-engineers, lawyers, police officers, accountants, economists, valuers, surveyors etc.
- The Commission has 43 advocates within the Directorate of Legal Services and Asset Recovery.



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Watch Dog Contd.

- EACC is known as the watch dog/'big brother', BUT who polices 'big brother'?
- 'Big Brother' polices himself.

How and against what?

1. Through the division known as the **Integrity Assurance Division.**

2. Putting in strategies that reduce complaints and misconduct of staff.

Integrity Assurance Division



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- This division is set up within the Intelligence Unit of the Commission.
- Not only do they police everyone, they also police their own-**unknown to the staff.**
- Division was set up to receive and investigate complaints against members of staff.
- When complaints are received they are booked separately from all the other complaints.



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Integrity Assurance Contd.

- Once a complaint is received, independent investigations commence to verify the allegations. Once verified the following 2 processes take place;
 - i. **Internal Process**-referral to the Staff Disciplinary and Conflict Resolution Committee. At this point the complaint is treated as a



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Integrity Assurance Contd.

Misconduct. The process of the Committee is governed by the Corporate Services Policies and Procedures Manual.

- The Manual gives provision for the procedure to be followed in handling a complaint-timelines for putting in a response to allegations after being served with a complaint, right to representation etc
- Once the Committee establishes that there's misconduct, disciplinary



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Integrity Assurance Contd.

measures are taken-warning or dismissal -this depends on seriousness of the case.

ii. **Prosecution-** where investigations unearth acts of corruption, mostly soliciting for bribes to delay or bungle investigations charges are preferred against the officer.

Case Examples 1;

A former Director of Finance- the Commission received a complaint that in her former employ, she embezzled

Integrity Assurance Contd.



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money through a procurement process. Investigations were carried out and charges were preferred-the file is awaiting consent from the DPP. Her contract was not renewed on account of the said charges.

Case example 2: In **2019** two ex-staff officers of the Commission were found guilty of bribery and were to pay a fine of Kshs. Sh800,000 or serve a one year jail term.

Success Stories



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<https://www.the-star.co.ke/news/2019-01-08-ex-eacc-staff-found-guilty-of-bribery-ordered-to-pay-sh800000/>

Successes Contd.



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Case example 3: An allegation of bribery against an advocate was received and after investigations charges were preferred. He was dismissed and fined 1Million or one year jail sentence. He paid the fine.

Case example 4: An investigator and a driver were arrested and charged with bribery charges- received money from a police officer who was under investigations. The bribe was to derail/bungle the case. They were dismissed and the matter is pending in



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Successes Contd.

Court.<https://nairobiwire.com/2020/05/ex-eacc-employees-in-court-for-receiving-bribes-from-a-police-officer-under-investigation-for-bribery.html>

2. **Strategies to minimize complaints.** A case is assigned to 3-4 investigators who are supervised by senior officer. Guided by the Corruption Investigation :Practitioner's Guide.



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ASANTENI SANA!