MANAGEMENT OF PROSECUTION CASE RECORDS AT THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS HEADQUARTERS IN NAIROBI, KENYA.

BY

SILVANO KIPKEBUT

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MOI UNIVERSITY
ELDORET

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DECLARATION

I, Silvano Kipkebut, do declare that this thesis is my own unaided work. It is submitted in partial fulfilment of the requirements of the degree of Master of Science in Records and Archives Management. It has not been submitted before for any degree or examination at any other institution.

Signed…….…...…….……Date…….……...…….

Silvano Kipkebut

IS/MSC/RAM/01/16

DECLARATION BY THE SUPERVISORS:

This thesis has been submitted with our approval as the University Supervisors.

Dr. Emily Ng'eno

Department of Library, Records Management and Information Studies,

School of Information Sciences,

Moi University

Signed…….…….. Date……..……...…….

Prof. Cephas Odini

Department of Library, Records Management and Information Studies,

School of Information Sciences,

Moi University

Signed……..……Date……...

ABSTRACT

Records constitute a critical aspect of the prosecution process and must therefore be well organised and cared for in order to support successful prosecution of cases. However, the Office of the Director of Public Prosecutions has continuously encountered loss of cases at the judicial system as a result of poor records management which has impacted negatively on prosecution process. The aim of the study was to investigate the management of prosecution case records at the Office of the Director of Public Prosecutions with a view to propose the best strategies for management of prosecution records.The objectives of the study were to: examine how records are created, captured, organized and pluralized; analyse factors that influence the management of records; establish how records are utilised in the prosecution of cases; assess the risks associated with the management of records and strategies that can be adopted to enhance the management of records. The study was informed by the Records Continuum Model and the Intelligence-Driven Prosecution Model. The study adopted a qualitative research approach and it employed the single case study design. The target population of 63 respondents were selected through the use of purposive sampling from a population study of 75 staff. The population sample size was determined by the theory of saturation consisting of the prosecution counsels, records management officers, registry clerical officers, prosecution clerks and administrative assistants based at ODPP headquarters, Nairobi. Data was collected through the use of interview schedules, observation method and documents analysis. The qualitative data was analyzed thematically and presented in a narrative description. The findings established that: the procedures in creating, capturing, organizing and pluralizing records is inadequately documented with outdated policies governing every stage of the lifecycle. More so, there was absence of comprehensive records management policies and procedures that govern the management of records. In addition, most records generated and received were predominantly manual which resulted to loss and misplacement of records. Further, there was scarcity of adequate knowledge and skills among the staff in the management of records. In sum, the findings established numerous challenges that affected management of records of which hampered efficient service delivery at the judicial system. The study concluded that records management practices at ODPP is not well documented and executed hence undermining prosecution of cases at judicial system. The study recommends that: the ODPP document the activities and policies that govern every stage of the lifecycle; develop and implement records management policies and guidelines; conduct training and capacity building for records management staff; avail adequate resources and integrate ICT in the management of records.

DEDICATION

I dedicate this work to my wife Nancy Bii, son Shawn Kiplimo, daughter Shania Jepchumba, my parents Mr/Mrs. Wilson Chesang and my siblings for their inspirations and encouragements.

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LIST OF ABBREVIATIONS AND ACRONYMS

AAS	Arrest Alert System
ADAs	Assistant District Attorney's
BBPs	Bureau Based Projects
CSU	Crime Strategies Unit
CPU	Community Partnership Unit
DANY	District Attorney's Office of New York County
DCI	Directorate of Criminal Investigation
DPP	Director of Public Prosecutions
EACC	Ethics and Anti-Corruption Commission
ICT	Information and Communication Technology
ISO	International Organization for Standardization
IDPM	Intelligence-Driven Prosecution Model
IRMT	International Records Management Trust
MLA	Mutual Legal Assistance
NYS	National Youth Service
ODPP	Office of the Director of Public Prosecutions
RCM	Record Continuum Model

CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

Fair and effective prosecution is essential to a properly functioning criminal justice system and to the maintenance of law and order. However, Prosecution is the process or act of formally accusing an individual(s) of committing a crime and pursuing a criminal case against them in a court of law (ODPP, 2024). Prosecutors are charged with addressing violations of criminal law and promoting public safety. In this regard, the party that brings charges against an individual is referred as the prosecution (Abioye, 2014) and their main goal is to present evidence and arguments to prove the guilt of the defendant beyond a reasonable doubt (Dotto & Mwantimwa, 2024). Notably, the prosecution represents the interests of the state or the government and, therefore, acts on behalf of the public (de Mingo & Cerrillo-i-Martínez, 2018). Prosecutors are typically lawyers, and their work gathering evidence, interviewing witnesses, and building a case against the accused (Vos, 2020). They are responsible for presenting this evidence in court and arguing for the defendant's guilt (Abioye, 2014). The prosecutor has the burden of proof in a criminal trial and therefore, they must demonstrate that the defendant committed the alleged crime (Dotto & Mwantimwa, 2024), failure to which the accused person or defendant may be acquitted and found not guilty (de Mingo & Cerrillo-i-Martínez, 2018). Records and records management play a critical role in the aforementioned activities to take place.

The effectiveness of prosecutors in their role to dispense justice is heavily reliant upon records and records management. Record is recorded evidence of an activity that is an action undertaken by an individual or group in the course of their business (Shepherd,

2006). Records management is the systematic control of records in an organization throughout their respective life cycle, which includes process such as creation or receipt, utility, storage, and eventual disposal or archival retention (Vos, 2020). Records management also entails planning, organizing, controlling, and maintaining of records in a bid to safeguard their accuracy, reliability, and accessibility while adhering to legal, regulatory, and organizational requirements (de Mingo & Cerrillo-i-Martínez, 2018). The prosecutors rely mainly on the records from the investigative organs to determine whether the case warrant to be taken before the courts of law to stand trials. Therefore, records management is a pillar or backbone in the prosecution process, since the evidence gathered or received will determine the strength of a case (Abioye, 2014). In most cases, the decision to prosecute an offender is based on a two-tiered test: whether the available records provide sufficient evidence or whether the prosecution of a case should proceed to advance public interest (Dotto & Mwantimwa, 2024)

Investigation officers liaise with the Director of Public Prosecution (DPP) to select an offence that accurately reflects the nature and extent of the criminal behavior under investigation and which is supported by the admissible evidence (Abioye, 2014). This is considered essential for minimizing acquittal of cases before the judicial system due to the lack of sufficient evidence (de Mingo & Cerrillo-i-Martínez, 2018). Essentially, prosecution is initiated or continued, subject to the available evidence (Vos, 2020). Notably, the lack of evidence in the form of records can lead to failure of the judiciary system to bring justice to the citizens and this could lead to loss of faith in the administration of justice (Dotto & Mwantimwa, 2024; Thurston, 2005). Thurston (2005) further argued that accurate and readily accessible records of judicial rulings reduce the

potential for the illicit manipulation of records which lead to corruption. Therefore, the Director of Public Prosecutions is mandated by the law to analyze and review all the cases forwarded by the investigative agencies in order to re-affirm its credibility (de Mingo & Cerrillo-i-Martínez, 2018).

On the other hand, the decision not to prosecute due to insufficient evidence is considered as a step geared towards advancing public interest (Usman & Udensi, 2013). This is evident in the sense that expending public resources on a case whose documentary evidence is not sufficient tantamount a waste of the same resources (de Mingo & Cerrillo-i-Martínez, 2018). If anything, a high rate of prosecution cases ending up in acquittals invariably undermines public confidence in the criminal justice system (Abioye, 2014), particularly institutions such as the ODPP (Dotto & Mwantimwa, 2024). Therefore, the standard practice in this case is that prosecutions are not instituted unless there is admissible, substantial and reliable evidence that a criminal offence known to the law has been committed by the suspect.

The documented evidence must be such that a jury, properly instructed on the relevant law, could conclude beyond a reasonable doubt that the accused was guilty of the offence charged before the trial (de Mingo & Cerrillo-i-Martínez, 2018). Effective records management is the key success factor in judicial system. Systematic, efficient and organized records management system provides comprehensive information for courts to guarantee unbiased decision. However, transparent information system and good records management indirectly hinder the misuse of power or corruption, case postponement and delayed decision in the judicial system (Abioye, 2014). It also reflects the good image of judiciary system and other law enforcement institutions or stakeholders by upholding the

rights of individual and society at large (Dotto & Mwantimwa, 2024). IRMT (2000:1) points out that “Records are valuable assets that need to be managed by any organization or nation.” IRMT 2000:1). Mnjama and Wamukoya (2004) reverberates the same sentiments stated that “records are valuable assets that need to be managed and protected”. Usman & Udensi (2013) in support of this view opines that records are one of the critical organizational assets that pose inherent value beyond the immediate context.

Consequently, well managed court records are essential to efficient and effective legal systems. Delays in registering cases, locating records and filing documentation all have direct impact on the prosecution of cases before courts. According to Motsaathebe and Mnjama (2009), the availability, completeness and accuracy of court records play a crucial role in the administration of justice and prosecution of cases. Motsaathebe and Mnjama further argued that, in order for a case to proceed, the initiating document which includes the summons should be available. Failure to provide or to locate such documents means that the case cannot proceed; hence the delays will be encountered in prosecuting and determining the case.

For effective records management to be realized, the records management personnel or availability of adequate infrastructure must be involved in facilitating the free flow of records to ensure that information is readily available where and when it is needed (de Mingo & Cerrillo-i-Martínez, 2018). To carry out this function, the organization needs an efficient, effective records management program in order to facilitate good performance by helping the users/clients to do their jobs better and more easily (Dotto & Mwantimwa, 2024). Given that an organization’s records are unique, there is need to be managed explicitly, just as the organization would manage its other resources (Abioye, 2014). This

study will therefore focus on investigating the management of records at the ODPP headquarters in Nairobi Kenya with the aim of identifying strategies that could be adopted to enhance the prosecution of cases.

1.1.1 Contextualization of the Study

Effective management of records for prosecution purposes is a major concern in many jurisdictions across the globe. In the United States of America (USA), managing of records is a critical aspect of the prosecution process since it ensures accurate, accessible, and secure records, which is essential for the administration of justice, protecting individual rights, and maintaining public trust (Finlay et al., 2022). Previously, records that were used for prosecution purposes were primarily paper-based, and thus stored in file cabinets, and managed manually by court clerks and administrative staff (Wright, 2020).

However, with the advent of technological advancement since the 80s and 90s, computerized databases and Record Management Systems (RMS) have been adopted in the quest to transform record-keeping practices, improve efficiency and accessibility (Miller, 2022). There have also been several legal structures that have been established to enhance the management of records that are necessary for prosecution function in the US. For instance, the Freedom of Information Act (FOIA) in particular and various state public records acts in general have been enacted to promote transparency and public access to prosecution records (Finlay et al., 2022). Some of the challenges encountered in the management of records for prosecution purposes include integration of different systems (Wright, 2020) and the development of interoperable solutions to facilitate seamless information sharing and collaboration among law enforcement agencies, courts, and other stakeholders (Finlay et al., 2022).

Canada has established a comprehensive criminal case flow system, which is considered essential for reducing delays in court proceedings. The system oversees and manage the progression of a case from its initiation to its conclusion. To achieve this, several mechanisms are put in place to ensure efficient case flow management (Department of Justice Government of Canada, 2006). Notably, there is prompt preparation and delivery of essential police and forensic documents to the prosecutor, along with swift retrieval of past criminal records. This includes early screening and assessment of cases by prosecutors based on the established prosecution policies (Genovese et al., 2019). More specifically, the prosecutors in the Canadian jurisdiction are referred to as Crown Council and they operate based on the provisions of the Charter of Rights and Freedoms. They therefore, are involved early in the pre-charge stage of investigations to provide legal advice on records management related issues like search warrants, charging decisions, and Crown brief preparation (Supreme Court of Canada, 2022). Their insights and input in the records management tasks of the prosecution are considered vital in the successful delivery of justice in the Canadian criminal justice system (Department of Justice Government of Canada, 2006; Genovese et al., 2019).

In India, records management has emerged as a critical function in the prosecution of cases. The records management in this case, basically involves the creation, maintenance, and disposal of records related to criminal cases to ensure transparency, efficiency, and accountability (Randhawa & Singh, 2016). Proper record keeping with regard to prosecution is considered critical due to the diverse and vast legal landscape of India. This has entailed effective documentation and storage of evidence related to cases to ensure its integrity and authenticity and, the maintenance of records to monitor the progress of cases,

court dates, witness statements, and other relevant details (Divan & Rosencranz, 2022). Public prosecutors are also required to adhere to records management protocols and comply with the legal and regulatory requirements of the Indian legal system (Bhat & Mir, 2021). Some of the challenges experienced with regard to maintenance of records for prosecution include the fact that the Indian legal system grapple with a significant volume of data, which makes it challenging to organize and manage effectively. Besides, outdated technology and lack of proper Information Technology infrastructure in some parts of the country hinder efficient records management (Randhawa & Singh, 2016).

In South Africa, court clerks and prosecutors handle the daily creation and receipt of court records in the criminal justice system. More specifically, the clerks are charged with producing, receiving, and managing various court records, hence these records include criminal, civil, and miscellaneous cases (Ntengenyane & Masenya, 2022). They also recognize the importance of timely creation, proper maintenance, and accessibility of the court records. In this case, effective record maintenance involves having a well-structured classification system in place. Therefore, the courts use file movement registers to track the transfer and handling of court records (Masenya & Khunjulwa, 2022). However, the system lacks established timeframes for borrowed files and does not have a comprehensive case file tracking system. Besides, there are frequent incidents of misplaced and misfiled court records. Furthermore, despite having classification systems, court records at Middledrift Magistrate Court (MMC) are prone to being misplaced, misfiled, or lost (Ntengenyane & Khayundi, 2021).

In Tanzania, the traditional records management systems remain predominant in court operations, prosecution functions and services associated with the delivery of justice. This

has remained so in spite of the significant advancements made in Information and Communication Technologies (ICTs). If anything, most records used for prosecution are still being handled manually since electronic records management is still in its early stages within the courts system (Tibasana, 2020). Some of the challenges that have impeded effective e-records management include the lack of trained personnel in e-records management, and insufficient technical support staff for e-records systems. Other challenges include limited funding, inadequate legal frameworks governing e-records management, and suboptimal implementation strategies (Dotto & Mwantimwa, 2024).

In Kenya, most of the records used in prosecution are being stored at the main registry where all the files are being received then re-directed to the mini registries within different departments depending on the nature of the cases (Maseh, 2015). Therefore, records management in the Office of the Director of Public Prosecutions is being decentralized and it is being managed by professionals' officers in separate registries to support the users who are mainly the prosecutors (Wanjiru, 2020). These records are being used by the prosecutors who are stationed in all the courts in the country. They peruse the files to determine if it holds sufficient evidence to stand trials at the courts of law. The prosecutors are mandated by the law to ensure that victims get justice (Wanjiru, 2022).

1.2 The Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions (ODPP) is the National Prosecuting Authority in Kenya which has been mandated by the Constitution to prosecute all criminal cases in the country. In exercising prosecutorial authority, the DPP has due regard to the public interest, the interests of the administration of justice and the need to prevent and avoid abuse of the legal process. In doing so, the ODPP strives to provide quality, impartial

and timely prosecutorial services in a manner that is professional, efficient and fair (ODPP, 2024; Vos, 2020).

The Office of the Director of Public Prosecutions was established following the promulgation of the Constitution of Kenya 2010. The Office was previously a department under the State Law Office, discharging responsibilities in the criminal jurisdiction for the Republic of Kenya on behalf of the Attorney General (Cheeseman et al., 2020). The ODPP delinked from the State Law Office on 2011 following the appointment of a Director of Public Prosecutions under the new Constitution and it derives its mandate from Article 157 of the Constitution (Vos, 2020).

Consequently, for prompt delivery of service the ODPP has developed a mission, vision and core values that facilities synchronization of services in all departments. The ODPP vision is to provide efficient, effective, fair and just prosecution service for the people of Kenya (Vos, 2020). The directorate's mission is to serve the public by providing quality, impartial and timely prosecution services anchored on the values and principles enshrined in the Constitution (Cheeseman et al., 2020).

Some of the key functions of the directorate include instituting and undertaking criminal proceedings against any person before any court of law other than a court martial in respect of any offences alleged to have been committed by that person (ODPP, 2024); directing investigation and supervising the conduct of criminal investigations; handling matters associated with international relations including extradition and Mutual Legal Assistance (MLA); advising Government Ministries, Departments and State Corporations on matters pertaining to the application and development of criminal law ((Vos, 2020); monitoring, training, appointing and gazette public prosecutors; facilitating victims of crime and

witnesses during prosecution; and contributing and influencing policy, procedure and law reform (ODPP, 2024).

1.2.1 Prosecution Process

The prosecution process at the ODPP begins the moment the crime is reported or a complaint is filed before the police. The police then investigate the crime, take testimonies of witnesses, collect available evidences and take steps to apprehend the offender then forward the file to the Director of Public Prosecutions (Vos, 2020). Charges are brought against a person by filing a complaint or citation with the court. The complaint contains a brief statement of the facts and sets forth the crimes the defendant has committed based on those facts (ODPP, 2024). A citation, sometimes called a ticket, sets forth the crimes committed by the defendant (Cheeseman et al., 2020).

Some of the tasks normally undertaken by the public prosecutor include considering whether there is sufficient evidence to continue to prosecute a case initiated by the police. They then prepare appropriate cases for prosecution in the courts and prosecute a case and conduct any subsequent appeals. They also advise the police and other investigative organs on matters relating to the criminal law (Cheeseman et al., 2020).

Depending upon the charge, the defendant will follow one of two basic paths in the proceeding through the criminal justice system. Notably, the typical route of a criminal case through the DPP's office involves, receiving, registering and indexing of a new case, which is then sent to the DPP (Cheeseman et al., 2020; ODPP, 2024). Thereafter, the DPP allocates the case to a prosecuting lawyer. The prosecuting lawyer reviews the evidence in the case records and, in some countries, interviews witnesses and recommends whether the case should be prosecuted. Based on the evidence in the case records, the case is

prosecuted, the records are prepared for the trial. The trial thereafter conducted and a verdict is delivered based on the documented evidence. There is a provision of an appeal that is taken to a higher court (ODPP, 2024).

1.2.2 Records Management in ODPP

The ODPP handles different types of records which are being used on the prosecution of cases at the judicial systems. The office receives the records majorly from the investigative agencies which include the police, Directorate of Criminal Investigations (DCI), Ethics and Anti-Corruption Agency (EACC), Independent Policing Oversight Authority (IPOA), Kenya Revenue Authority (KRA) among other organs. The records received vary depending on the nature of the cases e.g. criminal records, civil records and corruption records (Wanjiru, 2020).

Currently, the ODPP under the leadership of DPP is in the process of improving the records management systems since it is in a wanting position. Currently, the office is still embracing the traditional methods which include majorly the paper records or hard copies (ODPP, 2024). Therefore, the office is working on modalities on how to automate the records function through the acquisition of case management systems and ensuring that there is adequate infrastructure in place which includes the storage space, equipment and competent personnel (Cheeseman et al., 2020).

The majority of the records handled in ODPP are those created by the police and other investigative organs. These records include written statements or depositions made by the witnesses (including police officers); exhibits produced by those witnesses including the documents or artefacts, which are usually retained by the police, particularly if they are bulky (ODPP, 2024). Other records include written statement by the accused person; report

about the case written by a police officer; previous convictions (if any) of, and background information about the accused; previous convictions (if any) of witnesses; records created within the prosecutor's department will normally include; correspondence (with police, courts and defense officials); minutes analyzing the evidence in a case; written advice on evidence and reports on the court proceedings in which the prosecuting authority was involved (Vos, 2020).

According to Wanjiru (2020), some of the challenges involved in management of these records at the ODPP records include interference with evidence, inadequate technological adoption, inadequate records security, inadequate records management infrastructure and volume and complexity of work.

1.2.3 Organizational Structure of ODPP

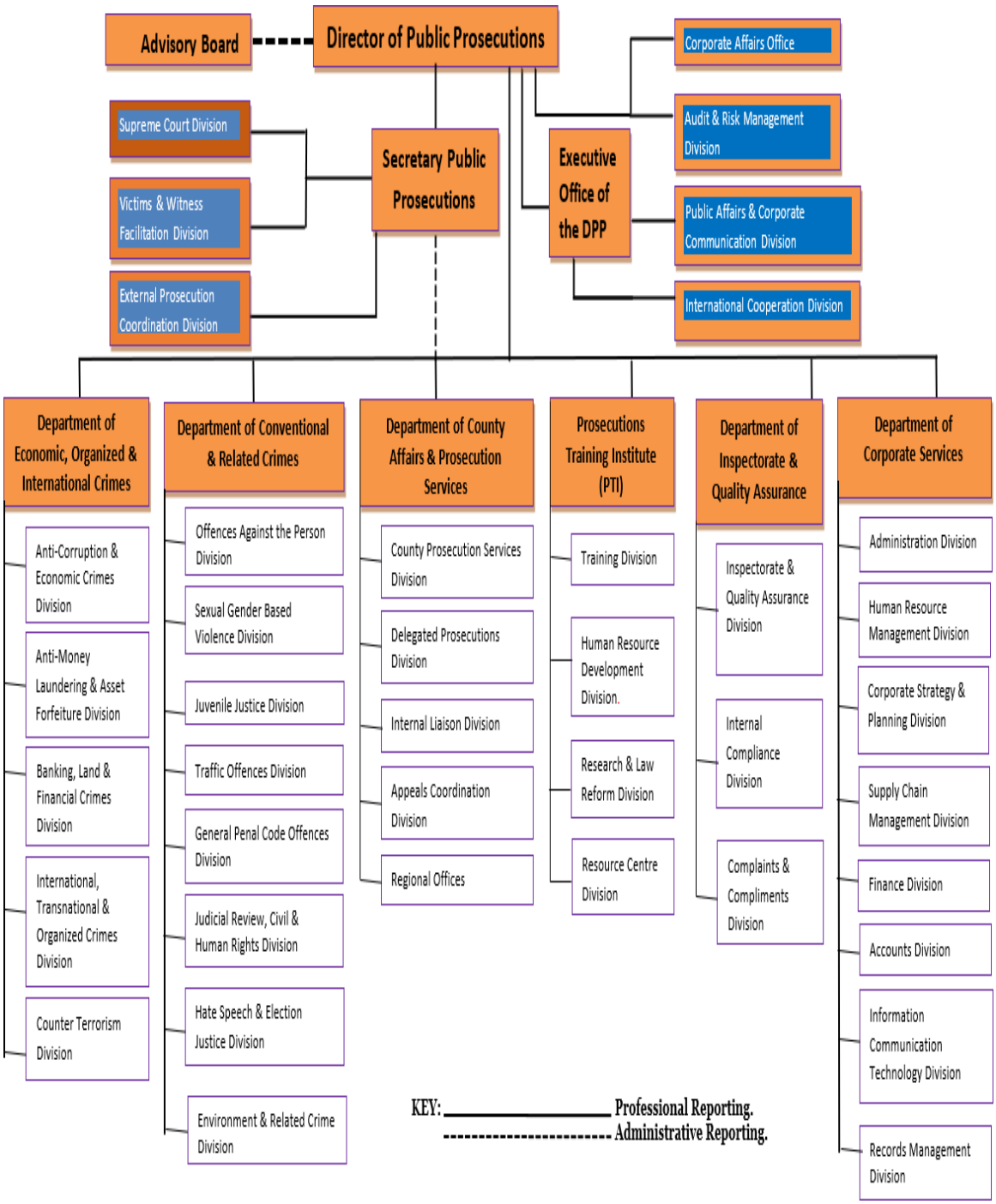

Figure 1.1: Organizational Structure of ODPP
Source: ODPP (2022)

Organizational structure reflects the way in which information and knowledge is distributed within an organization, which affects the efficiency of their utilization (Chen

and Huang, 2007). The ODPP consists of the six Departments and several Divisions underneath. The structure is key to the researcher because the respondents were drawn from these areas where the selected respondents handle and manage records which are used by the Office for prosecutorial purposes. The structure also shows where the Records Division lies within the organogram and the Departments which were of interest to the researcher due to their nature of work and their functions.

1.3 Statement of the Problem

Effective records management is essential for ensuring the delivery of justice from the prosecution process, which is one of the key mandates of the Office of Directorate of Public Prosecution (ODPP). This is because, cases across the world are decided based on the records that are presented before the court (Gitonga, 2024; Kinuthia, 2020). However, the effectiveness of the ODPP in delivering justice is often compromised by mismanagement of records, which is characterized by missing prosecution files (Kinuthia, 2020). For instance, in 2018, the Director of Public Prosecution (DPP) revealed that crucial documents (records) that were needed to prosecute 15 individuals, including former senior managers of Kenya Power and Lighting Company (KPLC) had gone missing as the trial was about to commence (Business Daily, 2018). However, this has resulted to continuous delays in justice administration in courts occasioned by inadequate record-keeping practices. This has caused some decisions to be reached without having complete case information, which ends up undermining the credibility and evidential value of cases.

In 2019, about 330 Kenyans launched complaints about missing files in which hampered the progress of their cases and this was considered an 81 percent increase of missing files as compared to the previous year (Kinuthia, 2020). Missing court files translate into

inordinate delay of cases and eventual acquittals. The aggrieved parties have to grapple with financial constraints associated with higher spending on the legal costs (Kinuthia, 2020). Besides, since cases are decided based on the accounts of evidence and facts presented in court, the burden of proof is always pegged on the prosecution and therefore, missing files denies the prosecution the grounds to support their case (Kinyanjui, 2024; Kiplagat, 2024). Then the need to have concrete records management process and systems that upholds evidential value and minimize withdrawal of cases at the courts of law due to inadequate proof.

The ineffective management of records at the ODPP is also associated with the subsequent withdrawal of cases. According to Nyaga (2023) the quality and reliability of the evidence on record by the ODPP is questionable. Nyaga notes the evidence the ODPP collects in some cases is muddled or not reviewed to the expected legal standards and this is indicative of the Directorate's persisting challenge in maintaining accurate and high-quality records that can withstand legal scrutiny. This poor management and organization of records has resulted in dropping or withdrawal of high profile corruption cases involving former Treasury CS Henry Rotich (Gitonga, 2024), KRA Chairman Anthony Mwaura, former Nairobi Governor Mike Mbuvi Sonko, former Kenya Pipeline Corporation Head Charles Tanui (Gitonga, 2024; Kinyanjui, 2024), Kenya Pipeline Corporation Chief Engineer Josephat Kipkoech Sirma (Kinyanjui, 2024), and former Geothermal Development Company (GDC) Managing Director Silas Simiyu (Gitonga, 2024; Kiplagat, 2024). These withdrawals have affected the credibility of the ODPP, questioning its commitment to protect public interest and has prompted stakeholders to consider private prosecution as a way of ensuring the delivery of justice (Kinyanjui, 2024; Kiplagat, 2024).

Sound records management at ODPP is also hampered by absence of appropriate regulatory and policy framework; knowledge and skills among the records staff and users for records, outdated procedures, inadequate and inappropriate physical facilities and low status and attention paid to the records management task has resulted in records being neglected and this has only served to undermine quality service provision (Shikuku, 2015).

Furthermore, the inefficiency of records management at the ODPP is also contributed by continuous use of manual processes that are involved in the prosecution of cases at the judicial system. According to Wanjiru (2020), the ODPP lacks a comprehensive and responsive case management system, which is automated and with regular updates to ensure accuracy of records. Wanjiru noted that these manual processes have contributed to the inefficient and ineffective delivery of justice services at the ODPP, which manifest in terms of case backlogs. This study, therefore, sought to investigate the use of records in support of prosecution of cases by the Office of the Director of Public Prosecutions in order to identify problems and risk areas that may hinder the prosecution process. These challenges motivated the researchers to examine the effect of records management on the organizational performance.

1.4 Aim of the Study

The aim of the study was to investigate the management of prosecution case records at the Office of the Director of Public Prosecutions Headquarters in Nairobi, Kenya with a view to propose the strategies for better management of prosecution case records.

1.5 Objectives of the Study

The study is informed by the following objectives namely to;

i. Examine how prosecution records are created, captured, organized and pluralized

ii. Analyse factors that influence the management of prosecution records

iii. Establish how records are utilised in the prosecution of cases.

iv. Determine the risks associated with the management of prosecution records.

v. Suggest strategies that can be adopted to enhance the management of prosecution records.

1.6 Research Questions

In order to address the stated objectives, the study sought to answer the following research questions;

i. How are prosecution records created, captured, organized, and pluralized?

ii. What are the factors that influence the management of prosecution records?

iii. How are prosecution records utilised in the prosecution of cases?

iv. What are the risks that are associated with the management of prosecution records?

v. What strategies should be adopted to enhance the management of prosecution records?

1.7 Assumptions of the Study

The study was necessitated by the assumption that;

i. Inadequate records management system at ODPP has led to poor handling of prosecution of cases hence creating a negative perception towards the public.

ii. Absence of records management policy and inadequate personnel in ODPP records section has contributed to poor records management.

iii. Absence of quality evidence on records received from investigative organs has led to the loss of high-profile cases before the courts of law.

1.8 Significance of the Study

Policy Related Significance: The study would inform policy formulation including guidelines, procedures and regulations in records management at the Office of the Director of Public Prosecutions. This would enhance better prosecution services in the judicial system by increasing efficiency, accuracy, and effectiveness in managing records to support prosecution of cases.

Pragmatic Significance: The study would provide the road map to the institution in determining the importance of records management and provide solution on how to minimise on acquittals or withdrawal of cases due to insufficient evidence in future and other challenges facing records management in ODPP. Besides, the study will help in identifying weaknesses and gaps in current situation at ODPP on records management and focus on improvement towards successful prosecution process.

Theoretical Significance: The study would contribute to the body of knowledge on records management and how to support prosecution of cases at the courts of law through provision of recommendations to enhance efficient and effective justice delivery. In addition, the findings would enable the researchers and academicians to understand the challenges and best practices in record management for prosecution purposes, which can, in turn, contribute to academic research and the development of new methodologies or technologies in the field of legal studies.

1.9 Scope and Limitations of the Study

1.9.1 Scope of the Study

The study was confined in the ODPP headquarters Nairobi, Kenya and particularly targeting the records management function of the Directorate. The choice of the ODPP

headquarters was based on the need to examine the central administrative and operational practices of records management, whose scale in terms of staffing invariably provides a representative sample for the broader Directorate across the country. The ODPP is also mandated by the Constitute to undertake prosecution of all the cases in the country and therefore, they receive case files from the stakeholders in the criminal system for prosecution. The choice of ODPP headquarters was also informed by its accessibility to the researcher since the researcher resides in Nairobi.

The study involved the staff at the ODPP such as the Prosecution Counsels; Records Management Officers; Administrative Assistants; Registry Clerical Officers and Prosecution Clerks because of their involvement in managing and handling records which are sensitive due to the information they hold.

1.9.2 Limitations of the Study

At the backdrop of the ongoing war on corruption cases in the country, records under the custody of DPP are sensitive and highly confidential since it covers different types of court related matters. However, there were reluctance among the respondents to provide the required information due to its sensitivity. The researcher overcame the limitation by seeking permission from the Head of Records Management in ODPP to undertake the study and explaining to the respondents that the study would focus on the systems rather than on specific records or cases.

1.10 Definition of Operational Terms and Concepts

Court: In this study the term court refers to a governmental body consisting of one or more judges who sit to adjudicate disputes and administration of justice (Bryan, 2004).

Court record: In this study the term court record refers to any document or other material that is received or maintained by the court to or in connection with judicial proceedings (Judicial Council of Carlifonia, 2011).

Criminal investigation: According to Sennewald and Tsukayama (2001:3), an investigation is the examination, study, search, tracking and gathering of factual information that answers questions or solves problems.

Investigator: The term "investigator" means any individual authorised by a department or agency to conduct or engage in investigations or prosecutions of violations of criminal laws (Stich, 2006:140).

Judiciary: Penner (2001) defines judiciary as the branch of government responsible for interpreting the law and administering of justice.

Justice: It is the relationship that exists between the individual and the state, and justice means that the state treats every person equally and seeks to resolve disputes on the basis of the facts and compared to objective criteria rather than a subjective determination.

Records: According to Sanders (2009), the term record refers to information created, received and maintained as evidence and information by an organization or person in pursuance of legal obligations or in the transaction of business.

Records Management: The ISO 15489 (2001) defines records management as the field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records including the processes for capturing and maintaining evidence of information about business activities and transactions in the form of records.

Prosecution Records: This are documents that are submitted to or generated by a prosecutor in a particular case, from the complaint (in a civil case) or the indictment (in a criminal case) to other pleadings, motions, orders, transcripts of the trial, jury verdicts, and associated materials to be used in prosecution process.

Prosecutor: According to Banks (2004:89), there are standards that state that a prosecutor is an administrator of justice and advocate of an office of the court and must exercise sound discretion in the performance of his or her functions.

Prosecution: "Prosecution" refers to a legal proceeding in which a person accused of a criminal offence is tried in a court by the State-appointed public prosecutor or a representative of government (Cole & Smith, 2007:319).

Prosecution process: The prosecution process, which is mostly associated with criminal cases, actually means the process of engaging in a lawsuit, in which the prosecuting party presents relevant

> evidence to support its position (Neubauer & Meinhold, 2013:36).

1.11 Structure of the Study

This study was divided into five chapters as follows:

Chapter One: Introduction and Background to the Study

The chapter outlined the introduction and background to the study; statement of the problem, aim of the study; objectives of the study; research questions; assumptions of the study; significance of the study; scope and limitations of study; and definition of operational terms and concept

Chapter Two: Literature Review

The chapter covers the pertinent and relevant theories and empirical literature based on the objectives of the study.

Chapter Three: Research Methodology

The chapter outlined the methodology that was adopted to collect and analyze data in the study. The areas covered included; research approach; research design; study population; sampling procedure; data collection methods; reliability and validity of the instruments; data presentation and analysis; trustworthiness of the study; and ethical considerations

Chapter Four: Data presentation, Analysis and Presentation

The chapter presented data presentation, analysis, and interpretation of the data that was collected in the study.

Chapter Five: Summary of Findings, Conclusion and Recommendations

The chapter outlined the summary of findings and conclusions of the study. It also provided the recommendations based on the data presented and interpreted.

1.12 Chapter Summary

This chapter has provided the introduction and background information to the study. It focuses majorly on the significant contribution of records management on prosecution of cases at the office of the Director of Public Prosecutions as the main issue to be investigated. This chapter provides background information on the management of records in the legal system and partnership of different stakeholders in criminal system and how such records support effective administration of justice in Kenya. The problem statement has pointed out clearly the results of poor records management in undermining judicial and legal system leading to subversion of justice delivery to its citizens and public at large. Based on the statement of the problem it was therefore necessary to undertake this study in order to get more information and solutions. This was done by providing aims, objectives, research questions, significance to the study and taking into consideration the scope and limitations of the study.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter presents review of relevant literature on records management with specific regard to the prosecution of cases at ODPP headquarters as well as the theoretical framework. A literature review is the summary of the existing research and knowledge about a particular subject or topic, which also include the highlighting gaps, trends, and insights for further exploration (Onwuegbuzie & Frels, 2016). Literature review lay the foundation for the study by looking at what other authors and renowned scholars have previously done in relation to the topic of study (Taylor, 2008). Besides, literature review enables a researcher to develop a clear understanding of the research topic; establish what has already been researched on the topic and identify gaps, which the researcher's own study can fill. It should highlight concepts and theories on the subject area (Mugenda & Mugenda, 2003). This chapter covers literature based on the objectives of the study. The chapter therefore, presents the theoretical framework and a discussion of the objectives including the processes of managing records, factors influencing management records, utilization of prosecution records in prosecuting cases and the risks and strategies to enhance effective records management in prosecution process.

2.2 Theoretical Framework

A theoretical framework is considered to be a structure of principles or concepts that is used to guide research by providing the lens through which the variables of a study are understood and the data collected is interpreted (Anfara & Mertz, 2014). A theoretical framework is relevant for organizing key concepts, identifying variables and establishing

relationships between them (Bingham et al., 2024). This framework was, therefore, invaluable in understanding management of records at the ODPP and its intersection with the prosecution process, which is the key mandate of the Directorate. A theoretical framework is also essential for providing the framework for analyzing and interpreting data (Anfara & Mertz, 2014). The framework, therefore, was used in the subsequent analysis of the data collected in the study and interpretation of the same, thereby influencing the conclusion and recommendations of the study.

There are various theories that are relevant for investing the intersection between records management and prosecution of cases. These theories include Records Continuum theory (Guto & Jumba, 2021; McKemmish, 2001); Intelligence-driven Prosecution model (Crouch, 2019; Taylor-Thompson & Thompson, 2022); and the records life cycle theory (Hunter, 2020; Munyaradzi & Chirikure, 2017). This study was primarily informed by the Records Continuum Theory and Intelligence-Driven Prosecution Model.

2.2.1 Records Continuum Model

The continuum model was developed by Frank Upward and his colleagues at Monash University in Australia. The aim of the model is to support archivists in their concern with the relationship between recordkeeping and accountability (Upward, 2005). Upward (2005) claims that he is well aware that a model for recordkeeping ought to consider both an object-oriented approach and a system-based approach.

A characteristic of the model is the view of records as unstable. Upward (2005) claims that there are no end products in an archival institution so there is a need for continuing addition of process metadata meanwhile the record changes during space-time. The traditional archival methods are creating one-dimensional documents and two-dimensional records,

or three-dimensional archives, but technologies enable a four-dimensional approach. Records can have multiple lives in space-time (Guto & Jumba, 2021; Upward, 2000). McKemmish (2001) is of the opinion that use of the model will lead to "accessibility of meaningful records for as long as they are of value to people, organizations, and societies. Developed by Australian theoreticians, the continuum model provides a framework for the continuum of records management responsibilities (McKemmish, 1997). It challenges the traditional view that separates archive and records as distinct entities, instead offering a framework for thinking and practice related to records and archives (Guto & Jumba, 2021; McKemmish, 2001). It considers records to be always in the process of "becoming" since they can be recalled to be used in other contexts (McKemmish, 1997; Reed, 2005). In the continuum model, the stages that the records undergo are recurring and reverberating activities that fall both within archives and records management (Upward, 2001). The RCM constitutes four dimensions and these include create, capture, organize, and pluralize as shown by Figure 2.1:

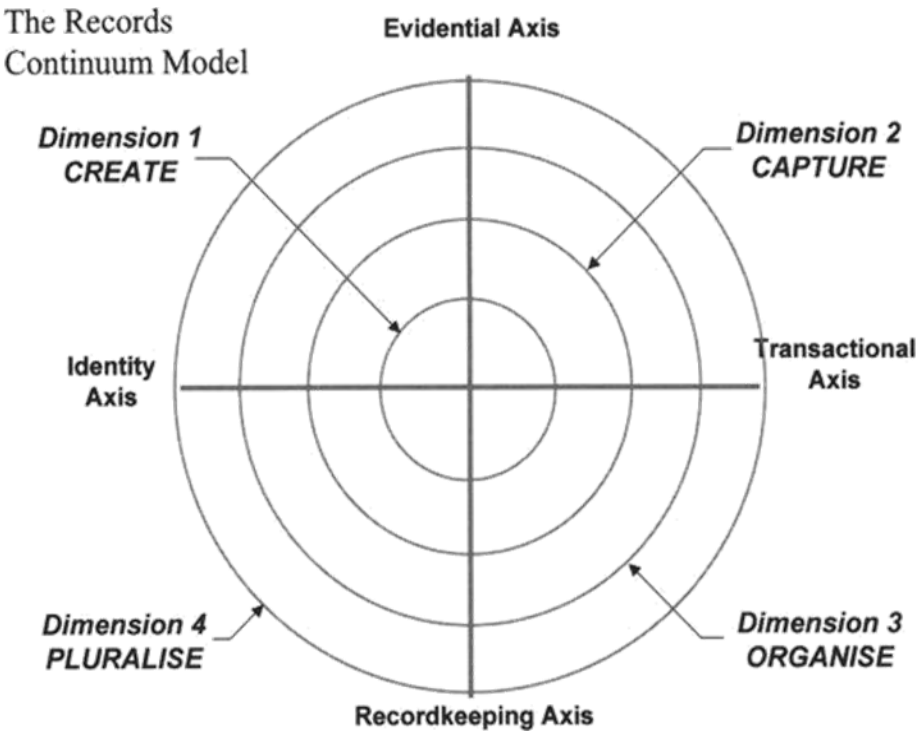

Figure 2.1: Records Continuum Model

Source: McKemmish, S. (2001).

Dimension 1

Create: represents the locus where all business actions take place. In this dimension, documents exist in versions and can be moved beyond this locus.

Dimension 2

Capture: is when a document is communicated or connected through relationships with other documents, with sequences of action. The records are in this dimension captured as evidence of transactions and can be distributed, accessed and understood by others involved in the business transactions.

Dimension 3

Organize: Represents an aggregation of records above individual instances of sequences of actions. Here the records are invested with explicit elements needed to ensure that they are available over time that exceeds the immediate environments of action. Here the records join multiple other records deriving from multiple sequences of action undertaken for multiple purposes. This is the archive or fond that forms a corporate or personal memory.

Dimension 4

Pluralize: This dimension represents the broader social environment in which records operate. The legal and regulatory environment which translates social requirements, different for every society and at every period, for records management.

This dimension further represents the capacity of record/records to exist beyond the boundaries of a single creating entity (Reed, 2005).

2.2.1.1 Relevance of the Records Continuum Model to the Study

The model was relevant for understanding research question regarding the process of creating, capturing, organizing and pluralizing prosecution records at the ODPP headquarters in Nairobi, Kenya. The model provided the lens through which the processes of creating, capturing, organizing, and pluralizing of prosecution records was scrutinized. The model guided the examining of the intricate process involved in creating, documenting, managing and potentially transforming records at the ODPP over time within the legal context. This examination uncovered the inefficiencies or gaps in the management process, provided critical insight for optimizing the handling of prosecution records and safeguarding their integrity throughout their lifecycle.

The model was also relevant for understanding research question about the use of records in the prosecution of cases at the ODPP headquarters in Nairobi, Kenya. The model helped to dissect the multifaceted uses of record at the Directorate, which ranged from case preparation to evidence presentation. The model emphasized the importance of records as evidence and as tools for decision-making. It also helped appreciate how prosecution records are used in the legal process, including their role in case preparation, presentation, and review.

Furthermore, the model was used to understand the research question about the strategies that can be adopted to enhance the management of prosecution records at the ODPP headquarters in Nairobi, Kenya. In particular, the model provided a holistic approach to records management, thereby reiterating the need for strategic planning, technology implementation, and ongoing monitoring and evaluation. The use of the model helped identify the best records management practices and recommend strategies for enhancing the management of prosecution records at the ODPP in alignment to the international standards and best practices in records management.

2.2.1.2 Gaps in the Records Continuum Model to the Study

The Records Continuum model presented some significant gaps with regards to its application in understanding records management at the ODPP. More specifically, the concepts and constructs of the Records Continuum model were not adequate to shedding additional light regarding the factors that influence the management of prosecution records and the risks associated with the management of prosecution records at the ODPP headquarters in Nairobi, Kenya. These gaps in the model will, therefore, be addressed using the intelligence-driven prosecution model.

2.2.2 The Intelligence-Driven Prosecution Model

The District Attorney's Office of New York County (DANY) established the Intelligence Driven Prosecution Model, along with the Crime Strategies Unit (CSU), in May 2010 (Taylor-Thompson & Thompson, 2022). CSU organized its work at the neighborhood level and divided Manhattan into five smaller geographic areas, each containing an average of four police precincts. The New York County (Manhattan) District Attorney, Cyrus R. Vance, Jr., established the Crime Strategies Unit (CSU) and charged the unit with implementing a new Intelligence-Driven Prosecution Model (IDPM) (Ferguson, 2019). The IDPM aimed to promote more informed decision-making throughout the District Attorney's Office by improving the collection and circulation of information on the persons, places, and problems driving crime within discrete neighborhoods (Taylor-Thompson & Thompson, 2022). Unlike other community prosecution models, DANY's IDPM does not focus on one particular type of crime. Instead, the model functions as a countywide strategy that, by dividing the county into distinct areas, can adapt to multiple problems found at the neighborhood level (Crouch, 2019).

The key features of the model include collection, analysis and integration of data whereby records from various sources such as criminal history records, intelligence reports, arrest records, social media activity, surveillance footage are integrated (Ferguson, 2019). Due to this, law enforcement officers can aggregate and analyze this data, thereby identifying the patterns, trends, and connections that may not be immediately evident (Ferguson, 2019). Integration also entails information sharing which demands for collaboration amongst different agencies such as the police departments, prosecutors' offices, and other law enforcement entities. This is essential for ensuring effective intelligence-driven

prosecution, which is premised on identifying and targeting high-priority offenders and criminal networks (Crouch, 2019). Integration of records and information sharing are key factors that influence the management of records and were used to understand the process at the ODPP in prosecution of cases at the judicial system.

Additionally, the other critical aspect of the model is the risk assessment tools used to evaluate the likelihood of reoffending or the level of threat posed by a particular individual. Prosecutors use this information to prioritize cases and allocate resources accordingly (Taylor-Thompson & Thompson, 2022). The use of the model therefore, guides targeted prosecution whereby prosecutors proactively target high-risk offenders and criminal organizations with the aim of disrupting their criminal activities (Ferguson, 2019). Notably, risk assessment tools are essential for evaluating the strategies that prosecutors could use to eliminate risks that may translate into loss or distortion of records or any other risks that may be associated records.

2.2.2.1 Relevance of the Intelligence-Driven Prosecution Model

This model is relevant for addressing research question 3 which focused on the factors that influence the management of records at the ODPP, which include analyzing factors such as records quality, availability, and integration at the ODPP headquarters. The model was also relevant for addressing research question 4 regarding assessment of risks associated with the management of records at the ODPP in terms of assessing risks related to the management of records, which included issues such as data loss, unauthorized access, and general system failures.

2.2.2.2 Gaps in the Intelligence-Driven Prosecution Model

The use of this model presented some significant gaps. For one, the model heavily depends on the availability and quality of records for effective decision-making, therefore, the model many not fully address the challenges related to the management of records particular in contexts where data collection processes are inadequate or inconsistent. Besides, the model also assumes integration and sharing of records through data collection, analysis, and storage in the management of records. Therefore, its concepts and recommendations are not automatically workable in settings with limited resources or outdated technology as was evident with the Office of the Director of Public Prosecutions.

2.2.3 Triangulation of the Records Continuum Model and the Intelligence-Driven Prosecution Model

Triangulation involves using more than one theoretical framework in the interpretation of the data. The study triangulated two theories namely the Records Continuum Model and the Intelligence-Driven Prosecution Model. The triangulation of the theories was undertaken (Carvalho and White, 1997) for the following reasons:

- *Enriching:* The outputs of different informal and formal instruments add value to each other by explaining different aspects of an issue
- *Refuting:* Where one set of options disproves a hypothesis generated by another set of options.
- *Confirming:* Where one set of options confirms a hypothesis generated by another set of options
- *Explaining:* Where one set of options sheds light on unexpected findings derived from another set of options.

The triangulation was necessitated by the fact that it touched on two distinct areas of the study which was interrelated, which includes records management and prosecution process. The Records Continuum Model guided this study on the management of court records while the Intelligence-Driven Prosecution Model guided the prosecution process at the courts of law. In addition, records management promotes integration of recordkeeping systems into organizations business activities, functions and processes and hence meets the needs of prosecution process which is the mandate of the institution.

The continuum model proposes the integration of functionalities into an organization's business process. The model is concerned with quality issues in management of court records where it helps in identifying the records that need to be retained, and then implement in conjunction with the prosecution process with a built-in record-keeping capability that ensures evidential value is maintained.

2.3 Review of related Literature

2.3.1 Records and Records Management

Various studies (Akor & Udensi, 2014; Nyawamu (2018; Oyaro, 2013) have examined the records management in public organizations. Akor & Udensi (2014) examined records management systems in sampled universities in Nigeria, including Minna and the Ibrahim Badamasi Babangida University, Lapai. The study established that records and records management involve documenting activities, decisions, and transactions, which contribute toward accountability, transparency, and compliance with regulations. Proper records management facilitates informed decision-making; fosters organizational memory; and mitigates risks associated with data loss or misuse. Effective records management is particularly necessary in the current digital age in which information overload is common

while there is a need for ensuring integrity, accessibility, and security of records. Notably, while this study contextual gaps in the sense that it was conducted in public educational organizations outside the local contexts while the current study was conducted in a legal organization in Kenya.

In reference to records management, a study conducted by Musembe (2016) on intersection of records management, technology, and service quality at Moi University highlighted on the finding's significant deficiencies in records management at the university. These deficiencies included inadequate policy frameworks, lack of automation, insufficient staffing, and budgetary constraints. The study, therefore, recommended policy development, technology adoption, capacity building, and staffing enhancements as pertinent for addressing these shortcomings. Furthermore, the study noted the importance of continuous staff sensitization to improve records management practices. The study however, was relevant in understanding records management in institutions of higher learning. This presented a contextual gap considering the current study was conducted in a criminal justice system institution.

Nyawamu (2018) conducted a study on the role of records management in organizational administration at Kenya Re which revealed that records management practices, identified the roles of sectional heads of departments, and assessed the role of records management in facilitating accountability and transparency. The study also proposed an effective records management model, and explored the correlations between records management and organizational administration. The study found that effective records management at the organization involved the establishment of a records management committee; effective communication platforms; policy application; auditing; and disposal programs. This

translated into easy access to information, financial accountability, and risk mitigation. While this study was conducted in the same area as the current one, including being based in a public institution; its methodology was a mixed method approach. The current study adopted a qualitative approach in a bid to have an in depth understanding of records management at the ODPP headquarters in Nairobi Kenya.

In a study done by Oyaro (2013) on management of records at the Kenya Immigration Department and how it affects service delivery found out that effective records management is essential for ensuring accountability, efficiency, and service delivery in both public and private sectors. Effectively managed records ensure timely access to information, support decision-making, enable transparency and facilitates compliance with regulations. Furthermore, effective records management is essential for preserving organizational history, facilitating audits, and ensuring continuity in service delivery. Notably, while this study was conducted in a public organization it adopted a descriptive research design where both qualitative and quantitative approaches were adopted. The current study was based in a public organization but used a qualitative approach to acquire in depth knowledge about records management and service delivery.

2.3.2 Creation, Capture, Organization and Pluralization of Prosecution Records

The focus of the study is to assess the use of records and how they impact or support the prosecution process in the judicial system. Reed (2005) argued that records differ from other information assets because of the inherent transactional characteristics that make them reliable and authentic. Records are the evidence of actions and decisions, and therefore trustworthy records are the pillars of accountability and transparency. According to (ISO 15489-1, 2001, p. 7) records are “information created, received, and maintained as

evidence and information by an organization or person in pursuance of legal obligations or the transaction of business." Therefore, records attest to the transactions that take place in an organization and it is their evidentiary value that makes them different from documents.

2.3.2.1 Creation of Prosecution Records

Kaupa et al., (2020) examined the challenges and opportunities that come with the adoption of electronic records management system within the public sector, and particularly the Office of the Prime Minister (OPM) in Namibia. The study found that the records are created based on their functions and include administrative records, financial records, and personnel records. They also found that there were guidelines and procedures established for creating records, which included naming conventions, formats, metadata requirements and any specific protocols for different types of records. Notably, while Kaupa et al., was relevant in understanding records management in public organizations and also adopted a qualitative approach, the study presented contextual gap in the sense that it was based in Namibia. The current study was also qualitative but was based on the ODPP headquarters in Nairobi, Kenya.

Guto & Jumba (2021) examined how electronic records management affects the credibility of public organizations. The study found that records creation is essential in maintaining the credibility of organizations, both public and private. Therefore, efficient records creation involves logical organization to ensure easy accessibility and save time for users. Additionally, records should be uniquely named to facilitate efficient sharing, retrieval and confidentiality. They established that documenting activities and transactions through records is essential for providing evidence of decisions made, transactions conducted and outcomes achieved. Besides, they found that records also support policy formation,

management decision-making and protect the interests of stakeholders such as employers, clients and citizens. The completeness of created records takes into account content, context and structure to enhance credibility and serve their intended purpose. However, while these findings were based on a critical review of literature, the current study will involve qualitative approaches in the collection and analysis of data.

Gomathy et al., (2022) investigated how accurate records management impacts on the productivity of workers in organizations. They pointed out that accurate records creation involves the use of standardized formats and robust data management systems, which facilitate consistency and accessibility of information across departments. Accurate document creation also requires regular audits and reviews, which are critical when it comes to verifying the accuracy and integrity of records, safeguarding against errors and fraud. Notably, while this study was relevant in appreciating the need for creating accurate records in organization, the findings were based on quantitative data collected using questionnaires. Contrarily, the findings of the current study were based on qualitative data collected using qualitative questionnaires.

2.3.2.2 Capture of Prosecution Records

Kaupa et al., (2020) noted that records capture at the Office of the Prime Minister (OPM) in Namibia involves ensuring all relevant information is captured accurately and completely. In this case, the process entails manual data entry; automated data capture systems; or a combination of both. Besides, the record capturing process also involves assigning metadata to each record to facilitate subsequent records organization, retrieval and management. The metadata include information such as the date of creation, creator, subject, keywords and any necessary access restrictions.

In another study, Gomathy et al., (2022) found that records capture involves systematic collection and storage of information such as documents, emails and digital communications in various formats within an organization. The process also entails record capture involves identifying, selecting and acquiring records for inclusion in the official record-keeping system of the organization. Accurate and secure capture of records in organization depend on robust systems and technologies. Typically, this process involves indexing and categorizing records to ensure easy retrieval and management. More importantly, the implementation of protocols is essential for maintaining the integrity and confidentiality of sensitive information throughout its lifecycle.

Gesmundo et al. (2022) looked at the records management strategies that are used to enhance the performance of administrative staff at Laguna State Polytechnic University. The study found that public organizations document and retain records of their activities, transactions and decisions using systematic methodologies. This ensures that their financial transactions, administrative procedures, legal matters and correspondence are conducted in a transparent manner; it also supports accountability, and compliance with regulations regarding records management. While this study was conducted in a public organization, it presents contextual gaps because it was based on data from a Nigeria higher education institution. The current study was based on a public organization in the legal segment of the public sector in Kenya.

2.3.2.3 Organization of Prosecution Records

Aziz et al. (2019) looked at the adoption of records management system in the public sector to enhance the management of electronic records. They found that records management systems play a significant role in the modernization of records organization in the public

sector institutions. The system provides a framework for effective workflows by supporting the creation, utilization and maintenance of documents and records both manually and electronically. The implementation of these systems, therefore, enhance organizational efficiency, reduce operating costs, and ensure the security and transparency of government records. They also ensure the credibility and integrity of their records, which is essential in supporting quality service delivery. Although Aziz et al. adopted a qualitative approach in the collection and analysis of data, their findings were based on content analysis of data. The current study used thematic analysis approach to analyse data.

Aramide et al., (2020) investigated the role of new media in the improvement of records management and security in a bid to realize business performance. The study found that records organization involves the systematic management of digital or paper records throughout their lifecycle, and, therefore, includes creation, maintenance, and disposal of records. The study emphasized the transition from paper-based to electronic records, highlighting the importance of security measures due to technological advancements. In this regard, proper authorization should be provided to records handlers and users to ensure the integrity of records in organizations. They also found that records classification, storage and security are crucial elements and should be based on insights from risk assessments and comply with the legal standards and data security protocols. The study concluded that effective records management ensures accessibility, integrity and confidentiality of organizational information, and is, therefore, essential for decision-making and compliance purposes in the current digital age. While this study was relevant in highlighting security issues related to records management, it was largely based on review of extant literature.

The current study also considered security issues regarding records management in public organizations based on qualitative data collected from staff at the ODPP.

Mosweu & Rakemane, (2020) looked at the intersection between records management and good governance in African countries such as Sierra Leone, Zimbabwe, South Africa, Kenya, and amongst other nations. They found that the organization of records involves processes and procedures through which organizations determine the need for storing particular information and outline specific storage mediums for ensuring the security of the stored information. While this study adopted a qualitative approach, the data was collected from secondary sources including conference papers and journal articles and was analysed using content analysis method. The current study also adopted a qualitative approach but used interview data, which was analysed using the thematic analysis method.

In another study, Oyaro (2013) found that effective records organization translated into streamlined operations and efficient service delivery. The hallmarks of efficient records organization include proper arrangement, quick retrieval and minimal misfiling. Organized records facilitate swift access to information, support timely decision-making and enhance accountability. They also facilitate audits, compliance with regulations and preservation of institutional memory. While these findings were based on data drawn from the Immigration Department in Kenya; this is a public institution that is different from the ODPP considering their roles and functions. There could, therefore, subtle differences with regards to the modalities of their records organization.

2.3.2.4 Maintenance of Prosecution Records

Adusei, & Senyah, (2022) investigated the knowledge, practices and challenges of records management within the context of local government in Ghana, focusing specifically on the

Offinso Municipal Assembly (OMA). The study found that OMA implemented systems or procedures to facilitate the efficient retrieval of records whenever required. This particular ease of retrieval was crucial for decision-making and operational effectiveness. These findings were relevant examining the retrieval processes at the ODPP, since it was based on a public organization. The study however, presented a contextual gap since it was based in Ghana. It also presented a methodological gap considering that its cross-sectional design was quantitative. The current study was based in Nairobi, Kenya and adopted a qualitative approach in the collection and analysis of data.

According to Gomathy et al., (2022) securing records involves maintaining a sense of authenticity. This is applicable for both chronic and hard copy records and entails maintaining the integrity of the records throughout their life cycle. This is particularly sensitive when handling electronic records that are kept in a database, which could be easily altered by users or unauthorized third parties. In this case, the integrity of the records is safeguarded by controlling access to the data; assigning the responsibility for accessing the records to specific people and putting in place measures to prevent malicious or accidental changes to the records. It is also important to conduct regular reviews of the records to ensure that the information or data recorded maintains its accuracy. Therefore, security issues should also be factored in when it comes to the preservation of records in organizations. In this regard, there is a need for considering the medium or format in which records are preserved and selecting the one where records are highly likely to be secure. To safeguard records against loss there is a need for creating backups, particularly the records that are of high sensitivity to the organization.

Guto & Jumba (2021) established that maintenance involve regular records inspection intervals; addressing current records system conditions; and the implementation of corrective measures to extend the lifespan of records for their intended purpose. Maintenance also involves storing vital documents in secure facilities accessible only to authorized personnel as a maintenance measure. They noted that insufficient understanding of electronic records could compromise controls and trustworthiness, thereby lead to challenges in retrieval processes. Notably, the findings of this study were not specific to any particular geographical context; the current study, however, will be based at the ODPP headquarters in Nairobi, Kenya.

2.3.2.5 Preservation and Disposal of Prosecution Records

In their study, Gomathy et al., (2020) established that records consist of implementing strategies, practices and technologies to safeguard records from physical deterioration, technological obsolescence, natural disasters and other risks that could compromise their authenticity or usability. Therefore, preservation is a crucial element in the whole operation of a records management programs. The aim of archival preservation is to prolong the usable life of useful research information in two ways. First, preventive preservation seeks to reduce risks of damage and to slow down the rate of deterioration. Furthermore, the study also stablished that records disposal also involves the permanent removal or destruction of records in a manner that ensures their confidentiality, integrity and compliance with legal and regulatory requirements.

Guto & Jumba (2021) underscored the relevance of disposal in record management, pointing out that it minimizes information leaks, reduces costs and creates space for storage. Proper disposal methods are essential for maintaining organizational credibility

and enhancing accountability and transparency. Guto & Jumba recommended the migration and transfer of records as outlined in ISO 15489-1:2001. In particular, they noted that record disposition hinges on retention schedules dictating how long records should be kept. Notably, whereas traditional disposal of physical records (paper) is straightforward; the electronic records present challenges occasioned by the lack of retention schedules in information systems. Notably, while this study was relevant for this review, it was only based on a review of extant literature. The current study was based on primary and secondary data that was collected using interview schedules, observation methods and documentary analysis.

In a study done by Nyawamu (2018) established that records disposal is a critical component of records management and is highly determined by the type of media and records involved in the creation and storage stage. Records disposal should be based on those records with holds and those that are suspended with due regard to all confidentiality and security requirements. Records disposal procedures work on the premise that all records cannot be retained indefinitely. Public records shall be disposed in accordance with the existing laws and regulations. While this study was conducted in a public sector, the organization in question operates in the financial sector. The current study was based in the legal sector.

2.3.3 Factors Influencing Management of Prosecution Records

For an organization to perform its tasks, it depends on the availability of proper records management infrastructure and frameworks. Absence of this factors hinders the effectiveness of managing records in support of the prosecution of cases at ODPP. World Bank (2009); Dikopoulou and Mihiotis (2012) mention that without a records management

infrastructure, organizations cannot either manage effectively their daily operations or use of knowledge and experience of the past for guidance.

Physical infrastructure and adequate resources are needed to be in place so that records can be managed effectively. These factors include; records legislation, policies and procedures; knowledge and skills; and ICT preparedness in the management of prosecution records.

2.3.3.1 Records Legislation, Policies and Procedures

Various studies have examined records legislation including Gesmundo et al., (2022), Mulauzi (2020), and Netshakhuma (2019). Mulauzi (2020) looked at the use of ICT in records management in private and public organizations. The study underscored the importance of legislation, in effective records management, particularly in the context of technology integration. The study noted that records management applications software should take into account issues such as security, reliability, permanence and comprehensiveness standards in a bid to rules and regulations. Notably, while the findings of this study were based on a review of extant literature, the current study included data that was collected and analyzed based on qualitative approach.

Netshakhuma (2019) examined the integral role that legislation regarding archives and records plays in post-colonial Southern African public organizations. The study found that these legislations was critical in establishing a legal framework for governing the creation, maintenance, preservation, and access to official records and archives. Netshakhuma noted that these laws were developed in response to the need for managing a broad scope of records left behind by colonial administrations and also to address the nascent and evolving governance structures of newly independent nations. These findings were generalized to

all public sector organizations in the Southern Africa. The current study examined records legislations with focus on the management of records at the ODPP headquarters in Nairobi. Gesmundo et al., (2022) found that records management legislation, policies and procedures govern the creation, retention, access and disposal of organizational records. They provide a framework that guide compliance with legal requirements, industry standards and best practices. While legislation mandates transparency and public access to certain records; policies outline responsibilities, classification systems and security measures for record handling; whereas procedures detail processes for record creation, storage, retrieval and destruction. A combination of these promote efficiency, accountability and risk mitigation in record management practices. However, it is important to note that this study was based on a quantitative descriptive research design and lacks in-depth textual explanation of the quantitative findings derived. The current study, thus adopted a qualitative approach in studying records management in public organizations and particularly the Office of the Director of Public Prosecutions.

Past studies have also underscored the relevance of policies in records management (Adusei, & Senyah, 2022; Musembe 2016; Obunde et al., 2022). Adusei, & Senyah, (2022) found that there are policies for creating and storing records at Offinso Municipal Assembly (OMA) at the Ashanti Region of Ghana. These policies and procedures outlined the established guidelines for the creation and storage of records in the organization. The findings indicated the commitment of the organization to structured record-keeping practices, which contributed to efficiency, compliance and accountability in local government operations. However, while the study looked at records management in a public organization, it was conducted in Ghana and was based on a cross-sectional design

that adopted quantitative approach where data was collected using questionnaires. The current study was based on a public organization in Nairobi headquarters and adopted a qualitative approach in the collection and analysis of data.

Consequently, Musembe (2016) established that there were deficiencies in records policy frameworks at Moi University. The study reiterated the need for the university to develop and implement a comprehensive records management program and policy for creating, maintaining, storing and disposing records based on the goals and objectives of the university. The study attributed this status quo to the lack of robust legislative and policy support for effective records management within the institution. Evidently, Musembe's findings were instructive in understanding the role of polices in the management of records. The study, however, presented a content gap since it narrowed down on records management regarding service quality in institutions of higher learning. The current study, however, looked at records management in relation to service delivery at the ODPP.

Obunde et al., (2022) looked at the role of record management policy in enhancing governance functions at the headquarters of Homa Bay County. The findings indicated the need for staff awareness and understanding of records management policies, with regard to policy authorization and documentation. The study found that senior records management officers were well-informed about the records management policies, while the employees were less aware about the policies and this reflected the need for training and awareness programs. Besides, the findings indicated the need for a clear policy for declaring and disposing of obsolete records to maintain accountability and transparency. This study's findings are instructive in understanding the role that records policy play in

records management. However, the study presented a contextual gap as it was based in a county government institution. The current study looked at records policies at the ODPP.

Extant literature reveals the relevance of records procedures in the management of records (Luyombya & Ndagire, 2020; Touray, 2021). Luyombya & Ndagire (2020) examined the intersection between records management procedures and the delivery of service at the Islamic University in Uganda (IUIU). The study found that the university lacked well-defined records management procedures and that the administrative assistants primarily responsible for records lacked formal training. Due to this, records at the university were managed inconsistently, which translated into challenges in terms of accessibility and retrieval. The study, therefore, concluded that there was a need for establishing comprehensive records management procedures for standardizing procedures across the university. This study, however, presented a contextual gap in the sense that it was conducted in a higher education institution in Uganda. The current study was conducted at a criminal justice system in Kenya and the ODPP in particular.

Touray, (2021) conducted a comprehensive review of literature where they considered the relevance of records management procedures in organizations. The findings showed that effective records management procedures ensured that an organization complies with various legal, regulatory, and industry requirements. The findings also showed that effective records management minimized the risk of data breaches, information loss, or unauthorized access. Notably, while these findings were based on review of extant literature the findings of the current study were based on data collected from the staff at the ODPP headquarters in Nairobi County.

2.3.3.2 Knowledge, Skills and Training in the Management of Prosecution Records

Extant literature has explored the role of knowledge in effective management of records (Netshakhuma, 2019; Obunde et al., 2022). Netshakhuma (2019) emphasized the need for capacity building, which is necessary for imparting records management personnel with the requisite knowledge that they need to properly manage records in Southern African public organizations. The study established that organizations should therefore, organize and fund training programs, workshops, and educational initiatives through which the records management personnel advance their knowledge and competencies in their respective roles and responsibilities.

In their study, Obunde et al., (2022) indicated that the level of knowledge amongst the staff at the Homa Bay County government regarding records policies was mixed. This was in the sense that the senior management and designated officers had a strong understanding of the policies, while the other cadre of staff had low levels. The study concluded that provision of comprehensive training programs was necessary for equipping the staff with the necessary knowledge on policy understanding, formulation, implementation and review in order to effectively manage records, thereby contributing to improved governance through accountability, transparency, and efficiency hence a broad scope of knowledge required for effective records management.

Past studies have also examined the intersection between skills and records management (Luyombya & Ndagire 2020; Netshakhuma, 2019; Touray, 2021) found that there is increased research and innovation in records management knowledge and skills, particularly in response to the emergent challenges and opportunities associated with big data, cloud computing, and social media. Besides, increased digitization of records and

information has also resulted in the need for records management practitioners to acquire requisite skills that they need to integrate records management knowledge with information technology (IT).

The administrative staff that were tasked with managing records at the Islamic University in Uganda lacked formal training and this resulted in inconsistent practices and challenges in record organization and retrieval as per the study done by Luyombya & Ndagire (2020). The findings revealed that there was lack of records management skills specifically associated with the lack of designated records managers. The study, therefore, concluded that appointing a qualified records manager and providing comprehensive training in records management procedures was needed to enhance skills levels of the staff at the institution.

Previous studies such as Agu et al., (2022); Musembe (2016); and Oyaro (2013) have focused on the training of record management personnel. Musembe (2016) found that training personnel in records management practices was important for addressing deficiencies in service delivery within Moi University. In this case, training involves the continuous staff sensitization through workshops and seminars with the aim of enhancing knowledge and their appreciation of the importance of records management in service delivery. Training essentially reflected investment in personnel development to build capacity and professionalism in the effective management of records, which ultimately contributed to improved service delivery within the institution. The study however, presented a contextual gap considering that the findings were based on data collected from staff of a higher learning institution. The current study was based on data collected from the records management staff at the ODPP.

According to Oyaro (2013), effective records management was contingent upon knowledge, skills and training provided to the respective records management personnel. This therefore, require regular staff training, particularly in records management skills in a bid to improve efficiency and mitigate challenges. The study concluded that continuous learning and skill development was essential in optimizing records management practices within the Department of Immigration in Kenya. However, apart from contextual gap present in the study due to the fact that it was conducted at the Department of Immigration; the methodological gaps involved the use of a descriptive approach to collect and analyze data. The current research adopted an exclusively qualitative approach and involved a case study of the ODPP headquarters at Nairobi, Kenya.

Agu et al., (2022) investigated the relationship between records management and performance in public institutions, focusing on the case of Renaissance University Ugbawka, at Enugu State, in Nigeria. They found that there were four major reasons for providing records management staff with training and development, and these included improving their job performance; identifying specific professional development needs to improve their competencies; enhancing the understanding of the technical matters that are associated with the management of records and more specifically electronic records and, facilitating vocational training for electronic records management. They also noted that education and training expand the capacity of record management staff to further develop their profession, thereby acquiring professional growth which is necessary considering the constantly changing roles and responsibilities that they assume in organizations or during their career. These findings however, were based on a context that is very different from that of the current study in terms of location and function. While Agu et al., was based on

an institution for higher learning, the current study was conducted in a criminal justice system organization, namely the ODPP in Kenya.

2.3.3.3 Level of ICT Preparedness in the Management of Prosecution Records

Nthomiwa (2007) looked at how technologically-enabled case flow management system can be used to enhance the delivery of justice to the public. The study established that the case flow management in the judicial system is necessary for addressing backlogs of civil and criminal cases. The adoption of technology ensures efficient movement of cases from registration to disposal within the case flow management system. Technological infrastructure such as computers and photocopiers to support efficient case management. The study was thus instructive in understanding the role of technology in making a case flow management system effective for service delivery. However, its findings were based on the review of extant literature. The findings of the current study were informed by qualitative data collected from the staff at the ODPP headquarters in Nairobi County.

Guto & Jumba (2021) found that transition to computerization in record management presents both opportunities and challenges. A lack of well-developed ICT capacity can impede management, especially when it comes to ensuring legal verifiability and accessibility. Due to this, organizations must adapt procedures to accommodate technological advancements and align management with evolving business processes. By adapting to technological and organizational shifts, organizations can enhance public accountability and credibility while meeting the demands of a rapidly evolving information landscape.

In another study, Papagianneas (2021) examined the automation of records and how it can contribute to the delivery of justice by the relevant authorities. The study found that

automation is credited for streamlining processes in the justice system and, therefore, improves efficiency, and ensures accuracy. The study also established that automating record-keeping tasks, such as case management and evidence tracking enables courts to expedite proceedings, reduce administrative burdens and enhance access to justice. Furthermore, automation facilitates seamless information sharing among stakeholders; enables real-time updates; and also supports data-driven decision-making. Notably, while these findings were relevant to this study they were based on a review of extant literature. The current study used primary qualitative data drawn from staff at the ODPP.

Malauzi (2020) found that while paper records will persist, technological systems are necessary for effective management. This is because technology enables various records management tasks such as creation, distribution, storage and retrieval; it also significantly reduces time constraints and communication barriers. The study also found that technology facilitated remote access to information, save time and energy and ensure selective dissemination of desired information. Notably, the findings of this study were based on a review of extant literature without focusing on any particular organization. The current study, however, sought to understand the application of technology in records management based on data collected from the staff at the ODPP.

2.3.4 Utilization of Prosecution Records in Prosecuting Cases

Previous studies (Agan & Starr, 2017; Stolzenberg et al., 2021; Wanjiru, 2020; Wanjiru, 2022) have looked at the use of records in supporting prosecution of cases. Agan & Starr (2017) looked at the use of criminal records in accessing determination of cases in New York and New Jersey in the United States. They found that even minor felony records had significant negative effects on prosecution of cases. The inefficient evidence on criminal

cases significantly affects determination of effective prosecution. The study recommended further assessment of prosecution decisions in relation to the evidence collected. While Agan & Starr focused on the use of criminal records in accessing employment, the current study focused on how such records are used in the prosecution of cases in the justice system. Papagianneas, 2021, argued that these records serve as the foundation for building a strong case, presenting evidence, and establishing the credibility of the prosecution's arguments.

Stolzenberg et al., (2021) examined the impact of criminal prior record of individuals on the likelihood of their arrest in the United Kingdom. The study found that records plays a significant role in the arrest and making prosecution decisions on whether there is sufficient evidence which are highly influenced by the information collected by the investigative organs relating different criminal occurrences. More specifically, prior criminal data often determines the arrests and successful prosecution of cases. The findings challenged the previous assumptions about the prevalence of repeat offending and suggested that overestimations resulted from the higher probability of arrest for individuals with prior records. The study presented a contextual gap considering that it was conducted in the UK; therefore, the findings may not necessarily be generalizable to the Kenyan context where the current study was conducted.

Wanjiru (2020) examined the role that records management play in the enhancement of services provided by the ODPP in Kenya and found out that prosecution records provide tangible evidence that support the prosecution of cases in court. Some of these evidentiary records include financial records; communication records such as emails, text messages, and phone logs; medical records; and even surveillance footage. These records are helpful

in establishing timelines, corroborating witness testimonies, and demonstrating the actions or intentions of the parties involved in a particular case. However, while these findings are relevant in understanding the use of records at the ODPP in Kenya, they are based on quantitative data that was collected at the headquarters. The current study adopted a qualitative approach in a bid to acquire in-depth understanding of the use of the prosecution records at the Directorate headquarters.

In a similar study, Wanjiru (2022) looked at the effectiveness of records management practices at the Eldoret High Court Registry. The study established that prosecution records bear information regarding legal compliance or non-compliance. For example, financial records are examined to reveal instances of fraud, embezzlement, or money laundering; compliance records, on the other hand may contain evidence on violations of laws or regulations, which can be used to build a case against individuals or organizations. Furthermore, records also detailed out the handling, transfer, and storage of evidence help establish its authenticity and reliability. These findings were instructive in understanding the use of prosecution records. The study however presented contextual gap as it was based at the Eldoret High Court Registry; the current study was rather based on the ODDP headquarters in Nairobi, Kenya.

2.3.5 Risks Associated with Prosecution Records

Adusei, & Senyah, (2022) identified some of the challenges associated with the management of records at Offinso Municipal Assembly (OMA) in Ghana as including insufficient backup infrastructure for information and communication technology systems; a shortage of storage facilities, particularly large servers, for managing records effectively; and the privacy and security of sensitive information within the organization. While these

findings are important for understanding risk associated to records management in public organizations such as OMA, they may not be generalized to the current study due to contextual differences. Notably, the current study was conducted in Nairobi, Kenya.

Aziz et al., (2019) established that the management of records in public organization is fraught with a myriad challenge. Some of the challenges that they established included lack of qualified records management officers; the misplacement or loss of files; and the low adoption rates of information and communication technology (ICT) projects among users. They noted that these challenges should be addressed since they impeded these organizations from fully exploiting the efficiencies that come with the adoption of electronic records management systems. Notably, while Aziz el al. based their qualitative study on public organizations, they used content analysis rather than thematic analysis that was employed in the current study.

Mosweu & Rakemane, (2020) highlighted various risks associated with the management of records, which impede effective governance in most African countries. These include lack of funds to support records management activities, which leads to infrastructural decay and ineffective services; inadequate staff and training hinder proper records management practices, with a shortage of trained professionals and limited educational opportunities; and outdated archival legislation fails to address modern record-keeping needs, leading to inefficiencies and gaps in governance. The other risks include poor awareness of the importance of records management, which results in neglect and mismanagement of records; and the lack of sound records management programs in government agencies exacerbates the problem, which manifest in the form of missing files, poor storage, and low prioritization of records management. It is however, important to note that while these

findings are relevant to the current study, Mosweu & Rakemane used secondary literature to feature a broad scope of countries in Africa. The current study was based on primary data that was collected from staff at the ODPP in Nairobi, Kenya.

Oyaro (2013) established that one of the challenges is the efficient management of the record in the department including improper filing at the registry; inadequate record management skills among some staff. The study's respondents suggested using an electronic filing system and adopting movement registers to enhance efficient record management. They also suggested carrying out periodic censuses of records and regular training of the record management staff. They also recommended automation of records in the department, which called for the acquisition of modern equipment and stores for record management. This study, however, used both quantitative and qualitative approaches to collect and analyse data at the Department of Immigration in Kenya. The current study was specifically qualitative on the way data was collected and analyzed at the ODPP headquarters in Nairobi County.

Rotich et al., (2017) looked at records management at the National Assembly of Kenya. The study found that some of the risks associated with records management at the institution included inadequate documentation of business requirements for storing and accessing digital records; inadequate space for record storage; insufficiently trained personnel and equipment; lack of records management policy and automated records management program; and low priority given to records management. Evidently, these findings were instructive in understanding the records management risks in public organizations. However, the study was conducted in an institution situated in the legislative

arm of government, while the current study was located with the criminal system arm of the government.

2.3.6 Strategies for Enhancing Management of Prosecution Records

Extant studies have suggested various strategies that could be used to enhance records management, which could be applicable in the management of prosecution records. Saman & Haider, (2012) examined the implementation of electronic court records management in Malaysian courts, and specifically focused on the Civil and Shariah judiciary systems. They found that significant improvements in case management efficiency resulted from the implementation of electronic records management systems in both judicial systems. The e-Court systems, particularly in the New Commercial Court (NCC), substantially increased case disposals, resulting in the closing of new cases within 9 months. The study, therefore, recommended the establishment of court records policy that outline clear rules and procedures for both paper and electronic court records management. They also recommended the employment of professional records managers who can oversee the proper organization, storage, and maintenance. While this study was based on records management in the criminal justice system, it adopted an exploratory research design where data was collected using both quantitative and qualitative approaches including interviews, surveys, document review and observation. The current study was mainly qualitative and used interviews, document reviews and observation as the data collection tools. Furthermore, the study was based on the judicial system of Malaysia as a whole, unlike the current study which focused on the prosecution function.

Issa & Wamukoya (2018) explored the role of electronic records management in facilitating the delivery of justice within the commercial court system in Tanzania. The

study found that electronic records management systems positively influenced the delivery of justice. This was attained through fast retrieval of court records; informed decision-making, and also reduced unnecessary delays. The study therefore, recommended the development and implementation of a records management policy to govern the management of electronic court records at the Dar es Salaam Commercial Court. They also recommended the initiation of training programs to equip staff with the necessary skills for effective electronic records management. Notably, while these findings were relevant to the current study, they were drawn from a context that is different from where the ODPP operates considering the geographical location and legal jurisdiction. Besides, Issa & Wamukoya also looked at the whole judiciary system and did not focus on the prosecution function as was the case with the current study.

Adusei, & Senyah, (2022) recommended the adoption of technology to support records management practices, which may include the installation of backup facilities for ICT systems. They also recommended the allocation of adequate physical and electronic resources such as servers to facilitate efficient records management. Furthermore, the study suggested that conducting training programs would enhance staff knowledge and skills in records management, which would go a long way to contribute to their appreciation of records confidentiality and security. These recommendations, however, were based on findings derived from a quantitative approach of analysis that was informed by questionnaires administered to 45 employees at the Offinso Municipal Assembly (OMA) in Ghana. While the current study was based on a public organization in Kenya, it adopted a qualitative approach in the quest to obtain in depth understanding of records management risks and possible interventions for the same at the ODPP.

Oyaro (2013) suggested using an electronic filing system and adopting file movement registers to enhance efficiency in record management. They also suggested carrying out periodic censuses of records and regular training of the record management staff. They also recommended automation of records in the department, which called for the acquisition of modern equipment and stores for record management. The study, however, presented a contextual gap in the sense that it was conducted at the Department of Immigration in Kenya while the current study was conducted at the ODPP headquarters at Nairobi County. In another study, Papagianneas (2021) looked at automation and digitalization in the Chinese judiciary system, which is also referred to as judicial information which has resulted in the establishment of smart courts. The study established that the automation of judicial processes, including prosecution, results in fairness not just in procedural compliance but also in terms of substantive consistency. They noted that in itself automation of the judicial process does not contribute to fairness however the technological changes that are adopted improve the quality of the judicial processes thereby translating into procedural fairness and consistency. These findings were, however, based on a context that is far removed from the Kenyan system and also largely focused on the judicial process as a whole and not the prosecutorial process in particular.

Rotich et al., (2017), found that the provision of ongoing training for records management staff was essential for providing them with the knowledge and skills that they need to be effective in handling records management practices and requirements, such as creating records, capturing records, and managing them adequately within their designated record-keeping systems. The training should involve exposure to ICT considering the increased adoption of ICT in the records management systems. However, while Rotich et al. adopted

a mixed methods research design and was based on records management in the Kenya National Assembly, the current study was rather based on a qualitative research design and focused on the Office of the Director of Public Prosecution.

2.3.7 Summary of the Linkages between Theories to Research Questions

Table 2.1: Summary of the Linkages among research Gap, Research Question and Theories Underpinning the Study

Research Gap	**Research Question**	**How the Gap is Addressed**	**Underpinning Theory**
Gomathy et al., (2022), Kaupa et al., (2020), Oyaro (2013), Guto & Jumba (2021), pointed out that public institutions continue to experience challenges in adoption of electronic records management systems without considering the current state of records, guidelines and procedures associated with records creation and management which impacts on service delivery.	How are prosecution records created, captured, organized, and pluralized?	To examine how prosecution records are created, captured, organized and pluralized	Records Continuum Model
Mulauzi (2020), Adusei & Geynah (2022), Oyaro (2013), Papagianneas (2021) indicated that public institutions continue experiencing challenges in	What are the factors that influence the management of prosecution records?	To analyse factors that influence the management of prosecution records	Records Continuum Model

management of records due to inadequate resources, untrained personnel, absence of records management policies, guidelines and technological infrastructure.			
Wanjiru (2022), Wanjiru (2020), Motsaathebe and Mnjama (2007) stated that there is gap in how records are being utilized due to absence of proper records management practices in judicial system which may lead to poor governance, poor decision-making, lack of accountability and increased corruption cases.	How are prosecution records utilised in the prosecution of cases?	To establish how records are utilised in the prosecution of cases.	Intelligence Driven Prosecution Model & Records Continuum Model

Adusei, & Senyah, (2022), Mosweu & Rakemane, (2020) pointed out that public institutions lacked adequate management strategies that ensure court records are stored in a standardized manner where it ensures that evidential value of records are safeguarded. They also pointed out that there is lack of cooperation with other major stakeholders in the criminal system where it affects the prosecution process.	What are the risks that are associated with the management of prosecution records and the strategies that can be adopted to enhance the management of prosecution records?	To determine the risks associated with the management of prosecution records and strategies that can be adopted to enhance the management of prosecution records.	Records Continuum Model and Intelligence Driven Prosecution Model

Source: Research Data

2.4 Chapter Summary

This chapter has reviewed a broad scope of literature relevant for the study. This has included the theoretical framework in which the records continuum model and the intelligence driven prosecution model were considered for the study with respect to their relevance to specific objectives of the study. The review of extant relevant literature involves discussions based on the objectives of the study, in which gaps in the existing studies as indicated in table 2.1 above are explored; the section also discussed how the current study fills the identified gaps.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter discusses the methodology employed by the researcher in the study. The chapter addresses various components such as the research approach, research design, population of the study, sampling procedure, data collection instruments, validity and reliability of data collection instruments, data analysis, trustworthiness of the study and ethical consideration.

3.2 Research Approach

Creswell (2015), describes a research approach as the plans and procedures for research that spans the steps from broad assumptions to detailed methods of data collection, analysis and interpretation. Similarly, Kumar (2016), states that a research approach is a plan and procedure that consists of broad steps towards data collection, analysis, and interpretation. According Creswell (2009), there are three main research approaches as: quantitative (structured) approach; qualitative (unstructured) approach, and mixed methods research. Williams (2007) argued that researchers typically select the quantitative approach to respond to research questions requiring numerical data, the qualitative approach for research questions need textural data, and the mixed methods approach for research questions want both numerical and textural data.

Quantitative research approach is a research approach aimed at testing theories, determining facts, demonstrating relationships between variables, and predicting outcomes (Van der Merwe, 1996). According to Creswell (2003), quantitative approach invokes a

positivist perspective and includes true experiments, quasi-experiments, correlation and survey studies.

On the other hand, qualitative research approach according to Denzin and Lincoln (2005) is defined as a situated activity which locates the observer in the world. It involves an interpretive, naturalistic approach to the world, for example qualitative researchers study phenomena in their natural settings, attempting to make sense of, or interpreting phenomena in terms of the meanings people bring to them.

The quantitative method supports the positivist paradigm, whereas the qualitative method also very closely supports the naturalistic paradigm. In the past, quantitative research was considered more rigorous of the two, but recently qualitative research has gained more credibility in the modern classic research. Both methods are appropriate for conducting research, and each method can contribute greatly to scientific research. Also, both have their strengths and weaknesses, and advantages and disadvantages; so that, 'neither one is markedly superior to the other in all respects' (Ackroyd and Hughes 1992).

Lastly, the mixed method approach includes both qualitative and quantitative data collection and analysis in parallel form (Kemper, Springfield and Teddlie, 2003). This include concurrent mixed method design in which two types of data are collected and analyzed in sequential form

The study adopted qualitative research approach which was founded to be more appropriate because it provide in-depth information in the area of the study. In addition, the type of research approach preferred was more appropriate since the ODPP handles confidential and sensitive data which is used at the courts of law. However, the data was collected using interviews, observation and document review methods. The interviews were invaluable in

acquiring personal insights and expert opinions; observation provide real-time understanding of records management infrastructure, processes and practices; while document review provided a structured analysis of formalized procedures and policies.

Jabareen (2009) argued that qualitative research methods serve as adequate tools for exploring complex phenomena. Qualitative methods are typically used to answer questions about the complex nature of a phenomenon with the purpose of describing and understanding it from the participant's point of view. Babbie et al (2007) observe that qualitative method increases the researcher's depth of understanding of the phenomenon under investigation.

Therefore, the study provided a detailed description and analysis of the role played by records management in support of prosecution of cases at the Office of the Director of Public Prosecutions. An understanding of how the ODPP is coping with these new demands required the researcher to engage in qualitative approach. This helped the researcher to establish a holistic view of the contexts that were being studied. The research instruments employed by the researcher were centered on the actions of people and how they manage records and the value they attach to them in prosecution of cases at the Office of the Director of Public Prosecutions. Secondly, the other concern was to uncover the facts of the everyday activities of staff handling records who create, use, and manage the prosecution records and how best they understood in their natural setting. In order to address these issues, the researcher interacted and collected qualitative data from the staff handling records who included the prosecution counsels, records management officers, registry clerical officers, prosecution clerks and administrative assistants. In addition, the

researcher also observed the environment in which records are generated, maintained and used.

3.3 Research Design

Research design can be defined as the method the researcher wants to use in executing his or her research. Babbie and Mutton (2001) reiterates that research design is a plan or structured framework of how the researcher intends to conduct the research process in order to solve the research problem. Kothari (2004) opined that the research design is the conceptual structure within which the research is conducted; it constitutes the blueprint for the collection, measurement and analysis of data. So, the research design can be defined as a master plan for the determined methods, structure, and strategy of a research to find out alternative tools to solve the problems, and to minimize the variances.

The research design under qualitative approach is probably the most flexible of the various experimental techniques, encompassing a variety of accepted methods and structures. There are four major types of research design under qualitative approach that are commonly used namely: phenomenology; ethnography; grounded theory and case study. Therefore, the study adopted the case study technique because the researcher focused at the Office of the Director of Public Prosecutions as a single entity to obtain answers to the proposed research questions.

3.3.1 Case study

According to Yin (2009), case study is defined as an empirical inquiry that investigates a contemporary phenomenon within its real-life context. Case studies are used to illustrate problems and provide opportunities to gain understanding in complex situations. The reason for preferring the case study method was that it is suitable for qualitative research.

This is in line with (Sjøberg et al., 2007; Mugenda & Mugenda, 2003) who elaborate that it is an in-depth investigation of an individual, group, institution or phenomenon within its real-life context especially where phenomena and context have a slim difference. Case study technique studies the subject matter qualitatively and covers all aspects of a single entity (Trochim et al., 2015)

There are different types of Case study namely: single case studies; multiple case studies; holistic case studies and embedded case studies (Yin, 2009). The current study adopted single case study.

3.3.1.1 Single Case Study

According to Gay & Airasian (2003), single case study are studies that can be applied when the sample size is one or when a number of individuals are considered as one group. In general, single-subject research is a method of testing hypotheses. The adoption of a single case study is that they are not as expensive and time consuming as multiple case studies. A single case study also makes the researcher to have a deeper understanding of the exploring subject.

The researcher preferred single case study design because the researcher needed to interact with ODPP staffs who mainly handle court records in order to understand the activities they were engaged in and how records support prosecution process. Similarly, Maseh (2015) in her study on the Records Management Readiness for Open Government in the Kenyan Judiciary adopted a case study design.

Management of case records at ODPP require the researcher to seek answers to such questions such as; What are the current practices of records management at ODPP in support of prosecution of cases; What mechanisms, policies, rules, procedures and

legislation are in place for managing records at ODPP; What challenges affects the management of records at ODPP and What strategies have been put in place to improve records management best practices at the ODPP; and many more.

3.4 Study Population

According to Kombo and Tromp (2006), a population is the entire group of persons or elements which contains similarities of things and constitute a sample where it is taken. This study was conducted at ODPP Headquarters which has a staff capacity (study population) of 75 workers from both the legal and non-legal Departments.

A sample comprising of elements of the population considered for actual inclusion in the study can be drawn from the study population (De Vos, Strydom and Delport, 2005). Target population is a specific group of individuals or objects selected from a larger population for a research study (Longnecker, 2015), while according to Creswell (2014), defines a target population as a well-defined group of individuals or objects that share similar characteristics and are the focus of a study. The target population of this study was therefore drawn from among the staff of the Office of the Director of Public Prosecutions working in various sections of the prosecution registries and the prosecutors who undertake prosecution of cases at the courts of law.

The researcher used this cadres of staff because of their direct connection and involvement in prosecution process either as records creators, custodians, users or key informants. They included the prosecution counsels, records officers, clerical officers, prosecution clerks and administrative assistants based at the Directorate Headquarters. It is for the above reason that a selection criterion was applied, and it was found necessary to have a target population. Table 3.1 shows the composition of the target population chosen for the study.

Table 3.1: Distribution of Target Population

Section/Category	Category of Staff	Target Population
Economic, Organized & International Crimes	Prosecution Counsels	6
	Records Management Officer	1
	Administrative Assistant	1
	Registry Clerical Officer	2
	Prosecution Clerk	1
County Affairs & Prosecution Services	Prosecution Counsels	7
	Records Management Officer	1
	Administrative Assistant	2
	Registry Clerical Officer	2
	Prosecution Clerk	1
Conventional & Related Crimes	Prosecution Counsels	5
	Records Management Officer	1
	Administrative Assistant	1
	Registry Clerical Officer	2
	Prosecution Clerk	1
Corporate Services	Records Management Officer	14
	Administrative Assistant	3
	Registry Clerical Officer	7
	Prosecution Clerk	5
TOTAL		**63**

Source: Research Data (2020)

From the Table 3.1 above, the target population was drawn from ODPP staff from five Departments comprising of different Divisions and Sections who handle records: Department of Economic, Organized & International Crimes; Department of Conventional & Related Crimes; Department of County Affairs & Prosecution Services; Prosecution Training Institute; and Department of Corporate Services. The respondents included;

Prosecution counsels (18), records management officers (17), Registry Clerical Officers (13), Prosecution Clerks (8) and Administrative Assistants (7).

Prosecution Counsels: This cadre preside over the prosecution of cases at the courts of law and are charged with the responsibility of delivering justice through prosecution of cases brought by investigative organs. They were chosen because they are the primary creators and users of the records as they deliver justice and therefore are believed to give a true stand on weights of records in terms evidential value before being admissible at the courts for prosecution purposes.

Records Management Officers: This cadre are key informants responsible for effective and proper management of records at ODPP as well as ensuring that records are readily available to prosecution counsels to undertake prosecution of cases at the judicial system. This cadre of staff are always at the center of records management and therefore they play a key role for the success of this study.

Registry Clerical Officers: This cadre work in various records management registries and are responsible complimenting the records officers in the management of records in the institution. They perform daily retrieval and distribution of case files to the appropriate action officers. They were useful in providing information regarding creation, receipt, storage, use and maintenance of records. This cadre was deemed to be relevant for the study since they are directly involved with records management from creation and maintenance.

Prosecution Clerks: They are responsible for the registration of cases, filing of documents, retrieval of files, preparation of cause lists, updating case registers, uploading case files to Uadhilifu system and customer service to the public. This cadre was deemed

to be relevant for the study since they are directly involved with records creation and maintenance.

Administrative Assistants: This cadre are charged with the responsibility of creating and receiving official correspondences both from within and outside the institution. They also play a critical role which involves creating records in terms of letters, memos and reports which are eventually used to carry out the mandate of the office. Their role as respondents in this study is to ensure that proper records are captured and shared where need be. They were included in the study to offer insights into how the records were being managed since they are custodian to some of these records.

3.5 Sampling Method

Sampling is the process by which small number of individuals' objects or events are selected and analyzed in order to find out something about the entire top form which it was selected. According to Bless and Higson-Smith (2000), sampling is a technique by which a sample is drawn from the population. It is a practical way of collecting data when the population is infinite.

Sekaran (2006) says that it is useful to distinguish between two methods of sampling; probability sampling and non-probability sampling.

Probability sampling involves random selection, allowing you to make strong statistical inferences about the whole group. Probability sampling means that every member of the population has a chance of being selected (Turner, 2020). It is mainly used in quantitative research and examples include: simple random sampling, systematic sampling, stratified sampling and cluster sampling.

Non-probability sampling involves non-random selection based on convenience or other criteria, allowing you to easily collect data. In a non-probability sample, individuals are selected based on non-random criteria, and not every individual has a chance of being included (Mugenda, 2003). They include: convenience sample, purposive sample, snowball sample and quota sample. Non-probability sampling techniques are often used in exploratory and qualitative research

In this study, therefore, the researcher adopted a purposive sampling which is a non-probability sampling technique to select the respondents. According to David and Sutton (2004), Babbie (2008), purposive sampling is based on the researcher's knowledge and opinion regarding the characteristics of a representative sample. Moreover, the purposive sampling is based entirely on the most appropriate respondents to select. This sampling technique was extremely preferred in this study in selection of respondents to be interviewed from the various categories of staff under the study up to saturation point. The categories of staff were purposely selected depending on their responsibilities in handling and managing records in ODPP. The respondents interviewed are as indicated in Table 3.2 below.

Table 3.2 – Distribution of Population Sample Size

Category	**Target population n=63**	**Sample**	**Determined By;**
Prosecution Counsels	18	Not fixed	Theoretical saturation
Records Management officers	17	Not fixed	Theoretical saturation
Registry Clerical Officers	13	Not fixed	Theoretical saturation

Prosecution Clerks	8	Not fixed	Theoretical saturation
Administrative Assistants	7	Not fixed	Theoretical saturation
Total	**63**	**Not fixed**	**Theoretical Saturation**

Source: Research Data (2020)

Theoretical saturation is one of the important aspects of qualitative research where enough data is collected to draw necessary conclusions, and any further data collection will not produce value-added insights. Based on grounded theory (Glaser and Strauss, 1967), saturation occurs when no additional data are being found and adding more participants to the study does not result in additional perspective or information. Based on this, the researcher interviewed the targeted respondents up to saturation point as indicated in Table 3.2 above.

3.6 Data Collection Instruments

Data collection is the process of gathering and measuring information on variables off interest in an established systematic fashion that enable one to answer stated research question, test hypothesis and evaluate outcomes (McLaughlin, 2016). In view of the nature of this study, data was collected using interview schedules, observation method and documentary analysis.

3.6.1 Interviews

According to Robson (2002), interviews involve an oral communication based on the arranged questions between the researcher and study participant (respondent). Interviews are used to gather qualitative data from respondents because it always produces a better response rate. Kalof *et al* (2008) further indicated that the interviews allow the interviewer to probe, clarify and ask follow up questions. Interviews are very effective and response

rate is usually high because it allows the interaction between the interviewer and interviewee where in-depth data is collected from the respondents.

In this study, structured and unstructured interviews were used to gather detailed information from the prosecution counsels, records management officers, registry clerical officers, prosecution clerks and administrative assistants. In qualitative research, interviews offer many advantages because they are more personalized and very flexible (Yin, 2009). This was necessitated by the fact that the identified respondents were readily available and therefore this data collection instrument was more appropriate to this targeted group.

3.6.2 Observation

In addition to the use of interview schedules, the study also utilized the observation method since it was the best method to collect firsthand information on their natural environment. According to Bless and Higson- Smith (2006), observation is a research technique in which the behavior of research subjects is watched and recorded without any direct contact or interaction. They mention that observation is a useful method since it can provide rich qualitative data. In this study the researcher employed an observation checklist that aimed at collecting data related to records management and prosecution of cases.

During visits at the prosecution registries and at the law courts, the researcher had time to observe how records were being used to support prosecution of cases and what impact do they have on the prosecution of cases. The researcher was able to understand the credibility of these records and whether they have sufficient evidence to guarantee favorable justice at the courts of law. The researcher also observed that the movement of the court records between the registry clerks and the prosecutors. Observation played a key role to determine

the security methods employed to protect prosecution records, available infrastructure and resources to support proper records management in order to achieve effective service delivery. Storage for semi–current and closed court records were also observed.

3.6.3 Document Review

A document review is a process that entails the collection and interpretation of relevant documents for research purposes (Bowen 2009). This technique is done in a systematic procedure to review or evaluate printed or electronic documents. Therefore, the researcher reviewed both published and unpublished documents to provide additional information relating the management of the prosecution and the court records in support of prosecution of cases at the judicial system. Documentary sources that were used by the researcher included: ODPP Strategic Plan (2016–2021), ODPP Reports and Guidelines, ODPP Excellence Charter (2020-2023), Kenya National Archives and Documentation Service Act (Cap 19) and Records Disposal Act (Cap 14), ODPP website information, internet sources among other literature sources. The documentary review provided useful data in the study which was used to complement the information gathered from other sources which included the interviews and observation methods.

3.7 Data Collection Procedures

This section provides systematic way of how the researcher prepared for and undertook the data collection. First, the researcher prepared the instruments to be used in the data collection which included the interview schedules and an observation schedule. The instruments were later subjected to pre-testing to improve validity and to determine the length of which the interview process would take.

Meanwhile, the researcher sought a research permit from the National Council of Science and Technology (see Appendix 7) and the authorization letter from the Office of the Director of Public Prosecutions (see Appendix 8) after obtaining an introduction letter from the Dean, School of Information Sciences of Moi University prior to the study (see Appendix 6). The researcher presented the authorization letter from the National Council of Science and Technology to ODPP management to seek permission to undertake data collection. Upon approval, preparation for data commences where the researcher identified all the respondents who were willing and available to be interviewed and visited them in their respective Departments. Interviewees were purposively selected and their numbers were determined by theoretical saturation through single case study method. After completing the data collection, the researcher began the process of data analysis and interpretation which ended up in the writing of this thesis.

3.8 Validity and Reliability of Data Collection Instruments

Reliability and validity are important qualities of research and must always be taken into consideration for effective data quality control since they measure outcomes. Cargan (2007), argued that if the data collection instruments are not valid and reliable then the results collected will always be in doubt and the findings of the study maybe challenged.

3.8.1 Validity of Data Collection Instruments

Kodhari (2004) defines validity as the extent to which the research instrument measures what it is expected to measure. Bryman (2012), further opined that validity is the degree to which an instrument measures what it is expected to measure. Drost (2011), stated that there are various types of validity which includes; construct, content, convergent concurrent, and predictive. This study adopted the construct validity. Construct refers to

how well the research concepts, categories, or themes reflect the underlying meanings, interpretations, or perspectives of the phenomenon under study, and how well they are supported by the data and the literature. Furthermore, in terms of validity, data collection tools for this study were pre-tested at Milimani Law Courts Nairobi to review its content and determine if they are valid for the study.

An instrument is valid if it measures what it is intended to measure and accurately achieves the purpose for which it was designed. Mouton (1996) noted that validity is concerned with just how accurately the observable measures actually represent the concept in question or whether in fact they represent something else. Validity involves the appropriateness, meaningfulness and usefulness of inferences made by the researcher on the basis of the data collected (Patten, 2004; Wallen & Fraenkel, 2001).

3.8.2 Reliability of Data Collection Instruments

According to Drost (2011), reliability is "the extent to which measurements are repeatable when different people perform the measurement on different occasion, under different condition, supposedly with alternative instruments which measure the construct or skill". According to Drost 2011), reliability is "the extent to which measurements are repeatable when different people perform the measurement on different occasion, under different condition, supposedly with alternative instruments which measure the construct or skill". Reliability refers to whether a measurement instrument is able to yield consistent results each time it is applied (Bartlett, Kotrlik & Higgins, 2001). Reliability refers to the extent to which results are consistent over time and an accurate representation of the total population under study and if the results of a study can be produced under a similar methodology, then the research instrument is considered to be reliable (Ndaro, 2010).

According to Drost (2011), there exist variety of methods that can be used to test reliability in behavioral research that include; test-retest reliability, alternative forms and split halves and internal consistency. The internal consistency will be selected due to its higher stability in comparison to the others (Bryman, 2012). Therefore, the researcher ensured that reliability was achieved through the utilization of similar interview schedules on different respondents in the same cadre and in similar aspects and the results compared during analysis to ensure consistency.

3.8.3 Pretesting Data Collection Instruments

A pilot test is conducted to detect weaknesses in the design, instrumentation and provide proxy data for probability sample (Kothari, 2009). To establish validity and reliability, the pre-testing of the data collection instruments was conducted at Milimani Law Courts. The center was selected for a pilot study due to the fact that the courts uses prosecution records to determine outcome of cases. Instruments tools were administered to ten staff consisting of court clerks, court registrars, records officers and registry clerical officers. Pre-testing the instruments focused on vocabulary, language level and how well the questions were understood. Information obtained during the pilot study was used to revise the instruments and gauge whether the responses met the objectives of the study.

3.9 Trustworthiness of the Study

To be accepted as trustworthy, researchers must demonstrate that data analysis has been conducted in a precise, consistent and exhaustive manner through recording, systematizing, and disclosing the methods of analysis with enough detail to enable the reader to determine whether the process is credible. Smit (2001) define trustworthiness as the believability of

the researcher's findings for example all that the researcher has done in designing, carrying out and reporting the research to make the results credible.

Trustworthiness of the data can only be as good as the instruments or tests used to collect the data. However, Lincoln & Guba (1985) proposed four alternatives for assessing the trustworthiness of qualitative research, that is, credibility, dependability, conformability, and transferability. Ensuring trustworthiness is crucial in establishing the credibility and reliability of qualitative findings.

In order to achieve the trustworthiness of this study, the researcher ensured that the quality of research findings included credibility, which was achieved through extended involvement, persistent observation, and triangulation; transferability, achieved through comprehensive and detailed explanations; dependability, achieved through rigorous documentation and the creation of an audit trail; and confirmability, which was achieved through peer debriefing, member checking, and reflexive journaling.

3.10 Data Presentation and Analysis

Basically, data analysis is the process of bringing order, structure and meaning to the mass of collected data. It entails breaks down of data into constituent parts to obtain answers to research questions. Babbie (2008) pointed out that the purpose of analysis is to reduce data to an intelligible and interpretable form so that the relations of research problems can be studied and tested for a conclusion to be drawn. De Vos (1998) argued that, data analysis means the categorizing, ordering and summarizing of data to obtain answers from research questions.

In the study, qualitative data was analysed thematically by aligning the data collected to the objectives and research questions of the study with the aim of bringing order, structure and meaning to the mass of data collected.

3.11 Ethical Considerations

Neuman (2003:116) indicates that ethics in research denotes the type of research procedures that are morally acceptable or put differently ethics simply refers to 'what is or is not legitimate to do'. Neuman (2003:110) says that ethics begin and end with the researcher himself or herself. His or her conduct before the research, during the research and after conducting the research is of critical importance to the credibility of the study. Ethical standards involve virtues of honesty, compassion and empathy when dealing with subjects or other things in research (Mugenda, 2008).

To address these ethical issues, the researcher acquired introductory letter from the Dean School of Information Sciences Moi University which was forwarded to National Council of Science and Technology (NACOSTI) for research permit. Thereafter, the researcher sought approval from the Office of the Director of Public Prosecutions management to carry out the data collection in the institution (see Appendices 6, 7 and 8).

Secondly, the researcher re-assured the respondents that the information collected was going to be treated with utmost confidence as regards to their personal identity and won't be disclosed, that the information given shall be used for academic research and not for any other purpose. Moreover, anonymity of the respondents and confidentiality was also upheld. The researcher ensured that no respondent was coerced to respond to the instrument. The participants were informed about the purpose of the study and were assured that their rights and privacy were not going to be violated. Creswell (2009) opined

that the researcher has an obligation to respect the rights, needs, values and desires of informants. Regarding the sensitivity of the records kept at ODPP, the researcher assured the office that the data collected would be concealed and the final copy of the research thesis will be shared with management to ensure the ethical consideration of the research.

3.12 Chapter Summary

This chapter described the research methodology used in the study including research design, study population, sampling method, data collection methods, validity and reliability of data collection instruments, credibility and trustworthiness of the study, and the data analysis. Ethical considerations applied in the study was also outlined. The study was carried out at the Office of the Director of Public Prosecutions headquarters Nairobi. The study sample was obtained from the target population which included prosecution counsels, records management officers, registry clerical officers, prosecution clerks and personal assistants. The instruments that the study adopted to collect data included the interviews, administration of questionnaires and use of observations check list from which the researcher gathered all the relevant data that addressed the objectives of the study. Data collected was presented and analyzed using qualitative method and in line with ethical consideration.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 Introduction

The chapter focuses on presentation, analysis and interpretations of the data collected from the respondents. In this regard, the chapter underpin the data and information collected from the respondents as per the research questions of the study. The purpose of this study was to investigate the management of prosecution case records in the Office of the Director of Public Prosecutions with a view to propose interventions for successful prosecution.

In this respect, the study applied a qualitative research method that enabled the researcher to collect data from selected employees from the Office of the Director of Public Prosecutions headquarters in Nairobi who handles and prosecutes cases before the courts of law through the use of interviews, observations, documentary review. Qualitative data was collected through in-depth face to face interviews from the prosecution counsels, records management officers, registry clerical officers, prosecution clerks, and administrative assistants. Furthermore, the observation method was incorporated to review the prosecution workflows, records management practices, records infrastructure, and service delivery. Therefore, data analysis for this study was based on empirical information collected through the interviews; observations and documentary review and were analyzed thematically and presented in narrative discussions. Further, the study was underpinned by the Records Continuum model and the Intelligence-Driven Prosecution model.

Garaba (2010) asserts that the purpose of data analysis and presentation of findings in research is to showcase the empirical findings in an attempt to answer the research questions addressed by the study.

Therefore, the chapter will be presented, analyzed and interpreted in themes in line with the study's research questions as follows:

1. How are prosecution records created, captured, organized, and pluralized?
2. What are the factors that influence the management of prosecution records?
3. How are prosecution records utilised in the prosecution of cases?
4. Determine the risks associated with the management of prosecution records?
5. Suggest strategies that can be adopted to enhance the management of prosecution records?

4.2 Response Rate

Generally, response rate refers to the number of people who successful responded to interviews derived from the sample size of the total population. According to American Association for Public Opinion Research (AAPOR) (2017), response rate is defined as the number of people who answered the survey divided by the number of people in the sample. They're generally used to measure how engaging a given research is. The more participants who reply, the higher the rate hence higher responses tend to lead to better outcomes.

According to Gisemba (2021), he pointed out that Mack et al. (2005) and Morse (2015) opined that an appropriate response is one that adequately answers the research question and determined on the basis of theoretical saturation. Therefore, the current study obtained a total response rate of 20 respondents determined by theoretical saturation as indicated in the Table 4.1.

Table 4.1: Response Rate

Target Group	**Target Population**	**Interviewed**
Prosecution Counsels	18	6
Records Management Officers	17	5
Registry Clerical Officers	13	4
Prosecution Clerks	8	3
Administrative Assistants	7	2
Total	**63**	**20**

Source: Research Data (2020)

Notably, the participants were engaged through face to face interviews where the sample population size was not fixed prior to data collection. Ultimately, the required number of respondents became obvious when the data collected reached a state of theoretical saturation (Mack et al, 2005; Morse, 2015).

4.3 Background Information of Respondents

The discussion of the research participant profile, therefore, includes their work designations, department, education level, work experience, and roles and responsibilities.

4.3.1 Work Designation

The Prosecution Counsels (PCs) participants constituted both the senior and junior officers from the office. The Records Management Officers (RMOs) included both senior and junior officers. The clerical officers included the Registry Clerical Officers (RCOs) and the Prosecution Clerks (PRCs). The Administrative Assistant (AA) participants had designated roles such as personal secretaries, senior personal secretaries, and senior officer administration.

4.3.2 Number of Respondent per Department

The study also sought to find out the distribution of respondents according to the sections they operate within the organization. The PCs who were involved in the study were drawn mainly from Economics International and Emerging Crimes (EIEC), Offenses Against the Person (OAP) and County Affairs (CA). The RMOs were drawn from Central Facilitation Services (CFS) under the records division which constituted the criminal registry, the central registry and Economics International and Emerging Crimes (EIEC). The RCOs were from County Affairs, Offenses Against Persons and the Anti-Corruption Departments. The PRCs were drawn from the Offenses Against Persons and Central Facilitation Services (CFS) under the records section. The AAs were drawn from various Departments which included Central Facilitation Services (CFS), Offences Against the Persons, County Affairs and Economics International and Emerging Crimes (EIEC). Table 4.2 shows the number of respondents who participated in this study according to their departments.

Table 4.2: Number of Respondents per Department

Department Category	Prosecution Counsels	Records Management Officers	Clerical Officers	Administrative Assistants	Total
CFS	0	2	3	0	5
EIEC	2	1	1	1	5
OAP	2	1	1	1	5
CA	2	1	2	0	5
Total	**6**	**5**	**7**	**2**	**20**

Source: Research Data (2020)

4.3.3 Level of Education

The minimum education levels for the PCs is a post-graduate Diploma in law and the highest being Masters for the participants interviewed. Majority of the RMOs had an

undergraduate degree, and some had Masters of Philosophy as their highest education level. The education level of the RCO ranged from Diploma to undergraduate degrees, while PRCs interviewed possesses certificate and diploma. The highest levels of education of the AAs varied from diplomas and undergraduate degrees.

Generally, the findings of the study indicated that the levels of education amongst the research participants ranged between Diploma and Masters. The findings were tabulated as shown in Table 4.3 below:

Table 4.3: Distribution of Respondents by Education Level

Category	**Education Level**						**Total**
	Cert.	**Diploma**	**Bachelors**	**Post Graduate Diploma (Law)**	**Masters**	**Others**	
Prosecution Counsels	0	0	0	4	2	0	6
Records Management Officers	0	0	4	0	1	0	5
Registry Clerical Officers	1	2	1	0	0	0	4
Prosecution Clerks	2	1	0	0	0	0	3
Administrative Assistants	0	2	0	0	0	0	2
Total	3	5	5	4	3	0	20

Source: Research Data (2020)

The education levels of the participants were important in determining their capacity to execute their roles and responsibilities effectively. From the research findings, the data

showed that all the 5 records management officers had prior qualifications specializing in records and archives management where 4 had bachelors, and 1 held master's degrees in records management. Similarly, 1 Registry Clerical Officer had bachelor's degrees in records management, 2 had diplomas where 1 specialized in records and 1 in law while 1 had certificates in records management; 2 Prosecution Clerks had diploma in law and records management respectively while 1 of them had certificate through trainings in records management. Therefore, the findings indicated that both the RCOs and PRCs had prior knowledge and skills in handling prosecution records. However, it was noted that the PCs who were the main technical team in the prosecution of cases before the courts of law were mainly lawyers with 4 holding post graduate diplomas in law and 2 having master's degree in law. Their response shows that they hold basic qualifications in records management which they received when they joined the institution through inductions, seminars and workshops. It was also established that the administrative assistants lacked adequate qualifications in records management despite them being deployed in the technical offices. The data collected in this study is a clear indication that the Office of the Director of Public Prosecutions lacked adequate staff with formal qualifications in records management.

4.3.4 Work Experience

Research findings on work experience showed that most respondents have a work experience ranging from 1 year to 16 years in service from their respective cadres. In essence, it depicts that most of the respondents have the required knowledge and experience which contributes positively to records management practices in the

organization. Table 4.4 shows the summary findings from the work experience of the respondents.

Table 4.4: Distribution of Respondents by Work Experience

	1–5 Yrs	6–10 Yrs	11–15 Yrs	16>Yrs
Prosecution Counsels	2	2	1	1
Records Management Officer	1	3	1	0
Registry Clerical Officer	1	2	1	0
Prosecution Clerks	1	2	0	0
Administrative Assistants	1	1	0	0
Total	6	10	3	1

Source: Research Data (2020)

4.3.5 Specific Roles and Responsibilities

The participants generally indicated that the core mandate of ODPP involves instituting and undertaking the prosecution of criminal matters against the public and individuals as enshrined in Article 157 of the Kenyan Constitution; that they conduct these duties on behalf of the republic. The findings revealed that various groups of participants had various distinct roles and responsibilities in the management of prosecution records and in line with ODPP Career Progression Guidelines (2013). The roles that each group of participants played complemented each other in the management of records at the ODPP. Furthermore, the broad scope of roles that each group of participants undertakes reflects the complexity and interdependency of record management functions at the ODPP as shown in the table 4.5 below:

Table 4.5: Specifics Roles and Responsibilities of the Respondents

Category	**Roles and Responsibilities**
Prosecution Counsels	• Screening of police files to make decision to charge • Advising the police regarding prosecution files; • Prosecuting criminal matters in the lower court, • Preparing and prosecuting appeals before the courts. • They also file responses to miscellaneous applications; • They review and analyze investigation files; • Research various subjects and supported crime victims and witnesses. • They also indicated that they trained and mentored new staff and pupilage and fostered inter-agency cooperation with stakeholders in the criminal justice system such as Directorate of Criminal Investigations (DCI), Ethics and Anti-Corruption Commission (EACC), and Independent Policing Oversight Authority (IPOA).
Records Management Officers	• Receiving correspondence, case lists, and court attendance schedules; • Creating prosecution records; • Controlling and monitoring the movement of prosecution records; • Appraising and disposing of the records, • Ensuring safekeeping and accessibility of the records. • Developing, maintaining, and evaluating the existing records management systems; • Classification of criminal records; • Preparation of quarterly and annual reports; • Ensuring adherence to records policies and standards; and • Training of other staff at the ODPP on records management.

Clerical Officers (RCOs and PRCs)	• Creating and maintaining a compliant database and maintaining a master diary; • Obtaining diary case lists; • Receiving and registering new cases; • Retrieving files for prosecution. • Collected data and records incoming and outgoing files; • Opened files and emails at the registry; • Ensured safe custody of records; • compiled case petitions; • Dispatched files to action officers; • Prepare case lists and diaries and receive complaints from members of the public.
Administrative Assistants	• Ensuring proper administration and management of ODPP services; • Developing, implementing, and monitoring budgetary allocations; • Coordinating ODPP operations and supervising junior staff. • Organized workshops, conferences, and seminars; • Collect and analyse criminal data and reviewed country/periodic reports and ensure compliance with the regional and international instruments and support relevant ODPP stakeholders.

Source: Research Data (2020)

4.4 Creation, Capture, Organization and Pluralization of Prosecution Records

The first research question of the study sought to determine how prosecution records are created, organized, maintained, used, and disposed of records in a manner that supports business operations, legal and regulatory compliance, accountability and information governance (Aziz et al., 2019).

The management of prosecution records adopted the processes outlined in the Record Continuum Model, whose processes included creating, capturing, organizing and pluralization of prosecution records (McKemmish, 1997). The analysis of the data

therefore, examined all these processes in the management of the prosecution records at the ODPP.

4.4.1 Records Creation

In the records management process, records creation refers to the systematic and intentional generation of new records within an organization. It involves capturing, organizing, and storing information in a manner that aligns with the organization's record-keeping policies and procedures (Guto & Jumba, 2021).

The findings showed that the participants were engaged in various records creation processes. The researcher observed that records (charge sheets) were received at the central and mail registry daily in the morning from the investigative agencies for the new cases committed within their jurisdiction. The RCOs claimed that they received prosecution records from the police and investigation agencies of which they duplicate the files and then allocate a reference number based on the offense type. According to RMOs, their records creation process begun with the information found in police files, which is then developed for prosecutorial purposes. The PRCs indicated that they received the cases, scanned them and then saved the document and filed the hard copies. The PCs claimed that they request or return records to the recording unit either by writing or a direct call. After their recording unit clarifies their request, evaluates their request, and gives approval, the PCs collect the record/file by signing. They then scanned the received file and saved the document in both hard and soft copies. Besides, the AAs said that they recorded their incoming and outgoing files in the registry system and that the recording of files includes specific details that help track the files. For instance, RCO-4 who said:

> *…after investigation has been carried out by investigative organs, police file is forwarded to ODPP for perusal where a duplicate file is created and allocated a reference number then used in courts for prosecution.*

RMO-3 outlined:

> *A prosecution file originates from a police file that has the statements of the parties involved, evidences and police findings that fit prosecution thus the prosecutor peruses the file and advices accordingly whether to prosecute or do further investigations or dismissal*.

PRC-2 stated:

> *Recording all the new plea matter in the Occurrence Book (OB), transferring all those matters in the OB to the soft copy, and sending all that soft data to record management is part of creating records.*

According to the records continuum model, records creation is an ongoing and dynamic process through which records are generated (Upward, 2005). The model considers records creation as a distinct and discrete event that is integral in the organizational processes, which of often at the beginning of the life cycle of organizational records. The model argues that the creation of records considers contextual factors such as the organizational interactions, transactions and functions (Reed, 2005). This reflects the findings which demonstrated that records creation process at the ODPP basically involved receipt and capture of prosecution records or information pertaining prosecution. Records creation emerged as the first process that is involved in the management of the prosecution records at the ODPP, with the creation varying according to the roles and responsibilities designated to each of the records management personnel.

The records creation process that is revealed by the participants is in consonant with the aspects of the records continuum model which involves records creation as the first records management process in the entire records management cycle (McKemmish, 1997). Extant

literature such as Guto and Jumba (2021) reiterated the significance of the creation process in the records management continuum. Guto and Jumba (2021) conducted a critical analysis of the relationship between management of records and public service delivery thus noted that the creation component in the records management continuum is instructive in ensuring the integrity of the records that are required for effective public service delivery. Aramide et al., (2020) in conducting a literature review on improving records management and security and how it impacts on the success of business performance, the study acknowledged records creation is not necessarily the starting point of the records management continuum considering the cyclic nature of records management; it should however, be handled with utmost caution since it affects the other processes. The finding also agrees with earlier observation by Aziz et al., (2019) who conducted a content analyses on the relationship between electronic documents and the adoption of records management system in the public sector, the study revealed that records managers operate in a multidimensional context when it comes to records creation structures and other records management workflow procedures.

Therefore, as one of the salient processes in the records management continuum, records creation is vital in ensuring that the subsequent processes are effectively implemented and therefore, the success of the whole records management process. Creation being the first process in the records management continuum, it invariably affects the integrity of the organizations records.

4.4.2 Records Capture

In the records management process, record capture involves identifying, selecting, and acquiring records for inclusion in an organization's official record-keeping system

(Gomathy et al., 2022). The physical and electronic records are captured from various sources and subsequently integrated into the records management framework. This process sets the foundation for effective records management by establishing control over incoming records and ensuring their integration into the organization's record-keeping systems (Gesmundo et al., 2022).

It was observed that records of new cases received from the investigative agencies which included the police, DCI, IPOA, KRA and other organs were captured at the Central Case Intake section. The findings indicated that the records assembly or capture process at the ODPP is based on a central registry system that is used consolidate all the prosecution records. The RCOs claimed that the central registry is used for storing all the prosecution records before they are forwarded to action officers and also have a specific filing classification system for managing prosecution records in their office which is based on the nature of the offense, with each given a specific reference number and kept on a specific shelf. The PCs have a register for signing in the incoming and outgoing files and that when they detected an incomplete prosecution file they reconstructed the file using a court file or investigation file. The PCs also claimed that they returned incomplete files to the investigative team for it to be populated with the required information, or requested missing information from the investigative team.

The findings revealed that the RCOs and the PCs were the key records management personnel charged with record capturing function at the ODPP. They operated the filing systems and the registry system, where prosecution documents were collected from all relevant stakeholders and held in the registry system before they were further processed for use. The findings also revealed that the process was important in ensuring the integrity

and completeness of the files that are allowed into the registry system. This reflects the constructs of the records continuum model, which considers record capture process as integral in ensuring the continuity and integrity of organizational records since it facilitates systematic control of records (McKemmish, 2001), which results in accuracy and completeness of records (Upward, 2005). These findings concur with those of Aziz et al., (2019) who found that the accuracy, reliability and completeness of the records capture process is critical particularly in contexts where the reliability and accuracy of records is essential for service delivery in the public sector.

The records capture or assembly process is vital at the ODPP considering the evidential value of the prosecution records. The needs for checking the integrity and completeness of the process is motivated by the quest to attain successful prosecution, which solely relies on the accuracy of records.

4.4.3 Records Organization

Records organization refers to the systematic arrangement and management of records within an organization to ensure easy retrieval, preservation, and access to information. Records organization involves organizing various types of records, such as documents, files, data, and other recorded information, in a structured and efficient manner (Mosweu & Rakemane, 2020). The researcher observed that the state of records organization in most of registries visited was exceptionally good.

The findings indicated that the record processing at the ODPP was facilitated by a records movement register, which take a shorter period to retrieve a required file. The participants claimed that there are measures put in place to curb the movement of the prosecution files amongst the authorized users. The RMOs claimed that they sign into the register to track

the movement of files. The RCOs indicated that they used an elaborate procedure to track records and avoiding losing them. Majority of the RCOs also acknowledged that they have file movement registers which ensures there is file movement register to track file from one person to another. The AAs noted that they used the register for signing when requesting for the files. The PRCs acknowledged that the system has ensured measures are put in place to ensure the security of the records.

RMO-7 noted:

> *There are registers for signing whenever there is a movement on the file, files are scanned and stored in pdf soft copies, when a file is not actioned on it is always kept under lock.*

According to RCO-4:

> *Each record is recorded both in card and soft sheets in order to maintain tracking and avoid loss of records.*

AA-2 pointed out:

> *The system in place requests and records contact details of the staff or customer and reason for the file.*

PRC-4 said:

> *The officer must sign a file movement register when picking and returning it, following the rules and policies of the departments.*

The findings revealed that the file movement register has been used to track the movement of files within the organization and also ensure the safety and security of the prosecution records. The file movement system ensured swift access of prosecution records for those seeking to use them at whatever level during the prosecution process. The Records Continuum Model considers records processing as essential for effective management, control, and utilization of records throughout their lifecycle and aligning the records

management process to organizational needs, legal requirements, and best practices (Reed, 2005). These findings agree with those by Saman & Haider, (2012) who looked at the implementation of electronic records management systems in the Malaysian courts and found that the use of movement registers reduced the time and effort that was required for locating files and therefore, speeded up the court processes. A study done by Oyaro (2013) on examined the impact of record management processes on the delivery of service at the Immigration department in Kenya revealed that the use of a movement register ensured that files are neither misplaced or lost as they are used within the department because it is easier to track people who have them at every particular point.

4.4.3.1 Records Classification System

Records classification is the process of categorizing and organizing records based on their content, function, or other relevant characteristics. It involves assigning labels, codes, or categories to records to facilitate their identification, retrieval, and management within an organization (Akor & Udensi, 2014). Typically, classification schemes include descriptive labels or codes assigned to each category or subcategory. These labels should be clear, meaningful, and consistent, facilitating ease of understanding and accurate record identification (Aziz et al., 2019).

In this study, the RMOs claimed that they classified records using alphanumeric filing classifications systems. The RCOs also indicated that they used the file classification system and that it enhanced the storage and access of the prosecution records.

RCO-4 noted:

> *…each case is given a unique reference number for easy filing and retrieval.*

According to RMO-3 they have an:

> *alphanumeric filing classifications systems, alphabetical filing classification system.*

The findings revealed that the RMOs and RCOs were charged with the records classification role at the ODPP. The findings also revealed that the file classification system made it easy for records management officers to determine where particular records should be stored within the system and retrieve them easily. This agrees with the propositions of the record continuum model, which considers records classification is a key aspect of record processing thereby facilitating a systematic arrangement and retrieval of records, enabling efficient access and management (Reed, 2005). The findings are consistent with those by Akor & Udensi, (2014) who assessed the records management systems in two universities in Nigeria and established that the use of filing classification systems enables the organization of documents in such a way that they become easily located and therefore, retrievable. Aziz et al., (2019) also found that filing classification system does not just facilitate easy retrieval but also ensures the security of the files. Therefore, adoption of records classification system is vital in records management for easy access, retrieval and use of records

4.4.3.2 Access and Use of Prosecution Records

The access and use of records involve authorizing individuals or entities to obtain and utilize records within an organization. This process involves ensuring that records are accessible to those who need them while maintaining confidentiality, privacy, security, and compliance with legal and regulatory requirements (Mosweu & Rakemane, 2020).

The participants in the study acknowledged the effectiveness of the retrieval of prosecution files at the ODPP. The RMOs noted that the retrieval process was effective and efficient due to good record organization system in place. Similar perspectives were expressed by the RCOs who lauded the records retrieval process.

RMO-11 said:

> *It is timely since different records are store in separate shelves and they are arranged in an essay retrievable manner, there is also systems which helps in locating the records*.

RCO-5 claimed:

> *Very effective as record are well arranged and marked in respective shelves, we also have a secret registry where sensitive and confidential files are kept*.

The findings established that effectiveness of records retrieval process is associated with the ease and timely nature in which the records are accessed within the system, thereby enhancing the utility and safety of the records. The findings agree with the records continuum model which considers the concept of access and use as central to enhancing records are management and utility within an organization. According to the model access and use are not independent activities but rather integral components of the records continuum model and should be considered throughout the entire lifecycle of records (Reed, 2005).

These findings corroborate with those by Adusei & Senyah (2022) who conducted a case study on Ghanaian local government staffs regarding their knowledge regarding records management. The study concluded that records retrieval process is a key risk factor in the management of local governments in the country and that there was need for streamlining

the process through the adoption of particular policies and procedures. In another study, Agu et al., (2022) examined the relationship between records management and the organizational performance of Renaissance University Ugbawka in Nigeria. They noted that the established record retrieval processes significantly determined the ease of accessibility of records and that there was need of enhancing the existing processes to guarantee the success of the whole records management system.

The effective retrieval process of the ODPP records can be attributed to the establishment of the file movement system, which make it easier for records to be tracked within the records management system and therefore, become easily accessible. The easy retrieval can also be associated with the file classification system that ensure easy storage and access of prosecution files.

4.4.3.3 Maintenance of Prosecution Records

According to Judicial Council of California (2011) the system of maintaining court records involves minimizing the risk of misfiling, loss or damage of court record or any parts of it. Maintenance of prosecution records can be segmented into storage and security of prosecution records.

4.4.3.3.1 Storage of Prosecution Records

Maseh (2015) in the study on the records management readiness for open Government in the Kenyan judiciary established that records storage and maintenance play a key role in ensuring that records remain retrievable, accessible and usable for as long as they are required for business transactions and/or for research, evidential and historical purposes. Proper storage is therefore crucial for successful implementation of open government

initiatives since such initiatives depend on the availability of quality information that can only be obtained from a sound records management regime.

The participants indicated that the ODPP management was involved in the management of records at the organization in various ways. In addition, the study sought to find out where prosecution records were stored. The RMOs indicated that the management provided the required physical infrastructure for managing records. The RCOs acknowledged that measures such as safe locks, fireproof steel cabinets and equipment; implementation of automation; establishment of a disaster management plan, and authorized access to prosecution files helped to secure the ODPP records.

According to RCO-2:

> *Registries are safeguarded from unauthorized access, use of steel and lockable cabinets.*

AA-5 stated:

> *We keep files in locked cabinets and use "movement registers where the users' sign for the files whenever they receive them and upon returning them, the recording officer signs them back to the registry. The records are also computerized which makes it easier to trace particular files whenever they are needed*.

RMO-5 said:

> *Provision of facilities like storage equipment, employment of qualified staff, adequate file storage area.*

PC-5 also said that they supported by:

> *Hiring qualified records management staff and procuring the UADILIFU system.*

RCO-5 claimed that the management supported their work through the:

> *Provision of records equipment and facilities, providing training to staff handling records, employment of qualified staff to handle records.*

The findings revealed that the management at the ODPP supported record management processes by providing storage equipment, and employing qualified staff. Previous studies agreed that management support is critical for effective records management (Saman & Haider, 2012; Akor & Udensi, 2014; Oyaro 2013). Saman & Haider, (2012) found that management support in the form of providing records management resources including qualified personnel, equipment, space and technology. In their study, Akor & Udensi, (2014) established that management support records management by establishing policies and procedures, which inform their resource allocation decisions. Oyaro (2013) found that management provide a working environment through which sound records management practices and processes are integrated in the larger organizational goals and objectives.

Therefore, the provision of the records management infrastructure and hiring qualified records management personnel is some of the way that organizational management can support effective management of records.

The observation of the researcher was that bulk filers and steel cabinets were used to keep records in most of the registries visited in relation to the questions asked in observation checklist. In one of the registries, it was noted that there was insufficient space to keep files. Some of the files were kept on the floor as presented in Appendix 6 due to lack of space. However, it was also observed that records storage in some of the registries for example the central registry was exceptionally good (See Appendix 7).

From the data presented, it seemed that records storage in the Office of the Director of Public prosecutions experienced challenges that if left unresolved would automatically affect the prosecution of cases at the Judicial system and affects efficient and effective justice delivery to the people of Kenya.

4.4.3.3.2 Security of Prosecution Records

Records security involves adopting measures, practices, and strategies implemented to protect records from unauthorized access, alteration, loss, or destruction (Akor & Udensi, 2014). It involves safeguarding the confidentiality, integrity, and availability of records to ensure the privacy of sensitive information, prevent unauthorized disclosure, maintain data integrity, and enable timely and reliable access to records when needed (Mosweu & Rakemane, 2020).

The RMOs acknowledged that apart from the physical security measures, electronic measures were also used safeguard the prosecution record. The RCOs also noted that measures such as safe locks, fireproof steel cabinets and equipment; implementation of automation; establishment of a disaster management plan, and authorized access to prosecution files helped to secure the ODPP records. The PCs claimed that they secured the prosecution files by allocating files to specific prosecution counsel who authorizes the dispatch or movement of files from the ODPP to investigative agencies. The AAs indicated that they have secured prosecution records by putting in place measures to control or curb the movement of prosecution files among authorized users which included scanning every document before filing it and storing the soft copy documents.

RMO-3 said:

> *Electronic records are secured with password, entry of criminal registry is only authorized by personnel, secret and confidential records are kept in lockable cabinets, labeling of shelves is only understood by registry staffs, registry is always locked.*

According to RCO-2:

> *Registries are safeguard from unauthorized access, use of steel and lockable cabinets.*

PC2 noted that they:

> *record and scan the documents received and share online for authorized users to easily access.*

AA-5 stated:

> *We keep the files in locked cabinets and use movement registers where the users sign for the files whenever they receive them and upon returning them, the recording officer signs them back to the registry. The records are also computerized which makes it easier to trace particular files whenever they are needed.*

The findings revealed that various measures have been put in place to ensure the security of records at the ODPP. The measures include using safe locks, fireproof steel cabinets and equipment, implementation of automation, establishment of a disaster management plan and authorized access. They have also established use of secured passwords to enable access to those who are authorized to use the automated records management system. The findings support the Records Continuum Model, which proposes the implementation of robust records security measures for ensuring confidentiality, integrity, and availability of records, protect sensitive information, and mitigate risks associated with unauthorized access or data breaches (Reed, 2005).

The finding also agrees with Shephered and Yeo (2003) who examined the principles and practice of managing records and established that records need to be accessible to authorized users and provide sufficient evidence of the context of their creation to support user's they mention that access to court records should be restricted to authorized personnel only. The findings also support previous observations by Aziz et al., 2019; Gomathy et al., 2022; and Mosweu & Rakemane, 2020. In particular, Aziz et al., (2019) established that record security is also considered when transferring data from one user to another. Mosweu & Rakemane, (2020) studied the role that records management can plan in supporting good

governance in Africa and determined that the safety and security of records is attained by putting in place stringent measures for accessing records. In their evaluation of accurate records management on the productivity of workers, Gomathy et al., (2022) found that properly secured records are considered authentic and support the effective decision-making regarding workers in organizations.

Therefore, both physical and electronic measures are required to safeguard the security of records. The physical measures could include the adoption of lockable cabinets, while the automated records management system can use password to ensure that only authorized users can gain access.

4.4.4 Pluralization of Records

Continuum model is concerned of managing records from creation to disposal from current systems either by destruction or long-term preservation in some form of archive. Dimension Four Pluralize in the model represents the placement of records and archives in society. They also consist of structured and systematic approaches, procedures, and activities used by organizations to effectively manage their records throughout their lifecycle (Adusei & Senyah, 2022). This dimension further represents the capacity of record(s) to exist beyond the boundaries of a single creating entity (Reed, 2005).

4.4.4.1 Preservation of Prosecution Records

Records preservation involve proactive and deliberate actions taken to protect and maintain records over time, ensuring their long-term accessibility, usability, and integrity. Gomathy et al., (2022) further notes that preservation also consists of implementing strategies, practices, and technologies to safeguard records from physical deterioration, technological

obsolescence, natural disasters, and other risks that could compromise their authenticity or usability.

Preservation is a crucial element in the whole operation of a records programme. The aim of archival preservation is to prolong the usable life of useful research information in two ways. First, preventive preservation seeks to reduce risks of damage and to slow down the rate of deterioration.

The researcher asked how records were preserved in the Office of the Director of Public Prosecutions. The respondents mentioned that the daily routine of cleaning was being done in the records section and spraying was being done periodically in the storage areas to keep away rodents and other harmful insects. They were probed further as to whether there was any monitoring and control of environmental conditions done and they all responded that there was none.

Through the use of the observation checklist, the researcher noted that environmental controls which included the use of quality storage containers were in place and this enhanced good handling practices that will help to extend the life of archival materials. The researcher also noted that the archive section was not properly managed. The records were scattered all over and were not arranged in order. The head of the records section cited lack of adequate support from the management to fully automate and operationalize its processes as a key challenge in managing the closed records which are no longer active. Other deficiencies noted by the researcher included; congestion and lack of space in storage areas, no instruments to measure humidity levels and lack of fire detectors. A picture of the Preservation Storage is presented in Appendix 8.

The findings established that, though there were elements of preservation of prosecution records in the Office of the Director of Public prosecutions, it would seem that much work is needed to be done. One of the underpinning models for the study was the Records Continuum Model which as described in chapter two (2) is a consistent and coherent regime of management processes from the time of records creation through to the preservation and use of records as archives. This would have an impact on continuous availability and accessibility of the records that may be referred in future if a case is opened a fresh at the courts of law.

4.4.4.2. Disposal of Prosecution Records

Records disposal is the systematic and secure elimination of records that are no longer needed or have reached the end of their retention period. Besides, records disposal also involves the permanent removal or destruction of records in a manner that ensures their confidentiality, integrity, and compliance with legal and regulatory requirements (Gomathy et al., 2022).

Records disposal procedures work on the premise that all records cannot be retained indefinitely. Public records shall be disposed in accordance with the existing laws and regulations (National Policy on Records Management, 2009). According to the Judicial Council of California (2011:4), retention periods of court records should relate to how long it must be available to the public. They mention that some court records must be retained indefinitely; others have a limited shelf life and need not be retained.

Therefore, the study sought to establish how conversant the respondents are with the main procedures of retention and disposal, existence of retention and disposal policy and finally the years of retention and disposal of prosecution records at the organization. The

respondents were asked if the office had retention schedules for their records. The RMOs didn't concur about the existence of a records retention and disposal schedule for prosecution records. One RMO-1 claimed:

> *a records retention and disposal schedule for prosecution records was available*

RMO-4 disputed about the existence of a records retention and disposal schedule and said:

> *A schedule was non-existent though I am not sure about it.*

Other RMOs said there was no specific retention and disposal schedule for the prosecution records. The majority of concerned respondents who were interviewed, agreed that records disposal was guided by the provisions of the Records Disposal Act (Cap 14) and the Public Archives and Documentation Service Act (CAP 19) of the Laws of Kenya. For clarity, the researcher reviewed the Act and its provisions.

However, the findings indicated that there are various procedures and processes involved in creating, assembling, storing, disseminating, and sharing records at the ODPP despite the respondents differing whether the retention and disposal schedules are in place. The procedures and processes undertaken by each group are influenced by their distinct roles and responsibilities. However, all these processes converge to ensure the effective prosecution of cases at the ODPP.

The finding supports the records continuum model, which advocates for the accessibility of meaningful records for as long as they are of value to people, organizations, and societies. The continuum model proposes the integration of functionalities into an organization's business process. (McKemmish, 2001). The results are also in accord with recent studies such as Nyawamu (2018) established that records disposal is a critical component of records management and is highly determined by the type of media and

records involved in the creation and storage stage and that it should be based on those records with holds and those that are suspended with due regard to all confidentiality and security requirements.

4.5 Factors that influence the Management of Prosecution Records

The second research question of the study was to analyze the factors that influence the management of prosecution records in supporting the prosecution of cases at the Office of the Director of Public Prosecutions. Effective management of records is dependent of various factors that need to be adequately addressed. This is evident even in the management of prosecution records. The factors measured in this study included the legal, policies and procedures; personnel knowledge and skills and the use of technology.

4.5.1 Availability or Absence of Legal, Policies and Procedures

The Legal, Policies, and Procedures refer to the framework of laws, regulations, internal policies, and documented procedures that govern the management, retention, use, and disposal of records within an organization **(**Agu et al., 2022). These elements provide the necessary guidelines and instructions to ensure compliance, mitigate risks, and establish consistent practices for records management (Gesmundo et al., 2022).

The researcher noted that the key identified legal policies governing records management practice in Kenya includes the Public Archives and Documentation Service Act CAP 19, Records Disposal Act Cap 14 and the Records Management Procedure Manual for the Public Service (2010) were issued as a guide to provides guidelines and procedures to be followed in the day-to-day management of records in the public service.

Some RCOs pointed out that there were records policies and procedures at the ODPP while others disagreed. The RCOs anonymously indicated there was an existing record retention

and disposal schedule for prosecution records; all files were stored at the central registry at respective divisions; inactive files were archived. However, some RCOs claimed the retention and disposal schedule for prosecution records were non-existent. Some RMOs denied having such procedures or knowing of their existence while other claimed that they included the retrieval and retention schedules, index and classification scheme, appraisal and disposal schedule, and provision of training. They indicated that they were mainly guided by Cap 19 and Cap 14 of the laws of Kenya to manage the records in the organization. The PCs concurred that there were policies and procedures in place to support the management of prosecution records included the chain of custody records; file movement register maintained by records officers; prosecution policy; serialization of files. RCO-5 noted that the records procedures included:

> *Every record should be entered into the file movement before taken out of the registry.*

RCO-6 said:

> *There were no policies and procedures for supporting prosecution records management.*

RMO-8 said:

> *There were no policies and procedures for supporting prosecution records management except adoption of the Government policies like the records management procedure manual and other existing laws that govern the management of records in Kenya.*

According to PC-3 some of the procedures included:

> *Serialization of files for ease of tracking, serialization of documents, UADILIFU system to track files and ease record retrieval.*

The findings revealed that there was no consensus about the existence of records management policies at the ODPP which was in line with Excellence Charter (2020-2023)

on streamlining records and information management processes and policies. While some participants denied of their existence, others claimed that they existed. There findings also revealed uncertainty amongst the participants on whether the organization had a retention and disposal schedule. This lack of consensus could be attributed to absence of clear communication on the existence of record management policies to all records management staff at the directorate. The findings also revealed that the procedures adopted included the file movement at the registry, and the serialization of documents. The findings are in accord with a study done by Wamukoya (2007) on the intersection between records management and administrative reform programs in Kenya. The study established that in many governments, policies and guidance for managing records are often non-existent and where they exist they are not adequately communicated to the relevant staff. This is an anomaly in records management considering the relevance of policies and procedures in ensuring effective management of records. Akor & Udensi, (2014) found that effective records management policies and guidelines include procedures for access control, retention schedules, and disposal procedures which should be clarified to all records management personnel and records users to attain effectiveness and efficiency in records management.

The establishment of policies and procedures for managing records is an integral component of effective records management. Equally important is the communication of the same policies and procedures across the organization so that they can be adopted by the staff.

4.5.2 Knowledge and Skills Possessed by Records Management Staff and other Users

Knowledge is the information needed to perform adequately in the job at an acceptable level, usually obtained through formal education and on-the-job experience while skills are special ability or technique acquired by special training in either an intellectual or physical area.

Records personnel, also known as records managers or information management professionals, require a specific set of knowledge and skills to effectively manage records within an organization (Kaupa & Chi, 2020). The possession of the necessary knowledge and skills, records personnel can effectively manage records, ensure compliance, support organizational objectives, and contribute to the efficient and secure management of information within an organization (Adusei & Senyah, 2022). Maseh (2015) asserted that proper management of records would require staff that are trained in records management field either at a certificate, diploma or degree level. She continued to state that, this group of people should be charged with the responsibility of managing active records in registries where the bulk of records creation, maintenance access and storage is done and also be responsible for managing semi-current and non-current records in the archives. Therefore, records users and records staff should be equipped with the necessary knowledge and skills to enable them to carry out their duties effectively and efficiently.

In this regard, the study sought to determine the level of skills and knowledge of staff handling records and to establish whether the ODPP had enough skilled records management personnel to manage prosecution records in the justice system. The competency of the records management staff is the key factor in the management of the

prosecution records. The RMOs interviewed lamented that they had developed their competence through workshop trainings, on-the-job training, and acquisition of relevant certifications including diplomas, and degrees. RMO-14 claimed that they underwent:

> *On-job training, workshops trainings, institution training, diploma, degree, masters.*

The RCOs had also acquired similar training. RCO-1 and RCO -2 stated that it included:

> *Diploma, degree; Diploma, degree, On-job training, workshops trainings.*

The AAs and PRCs had also undergone similar various trainings. For instance, AA-3, AA-6 and PRC-2 had acquired:

> *On-job training, institution training, workshop trainings, career progressions trainings, degree and Diploma sponsorship*

The findings revealed that the records management staff had a broad scope of education and training that included workshops trainings, institutional training, diploma, degree, masters and career progressions trainings, which were instructive in informing their competence with regard to records management in the organization. Whereas the records continuum model primarily focuses on the holistic management of records within an organization, it also influences the knowledge and skills required of records managers. The model provides a conceptual framework that emphasizes the holistic and dynamic nature of records management, focusing on the continuum of records throughout their lifecycle, which has significant implications for the training and professional development of records managers (McKemmish, 2001).

Previous studies such as Aziz et al., (2019) found that the hiring of qualified records management personnel is not an end in itself; there is a need for allocating resources for facilitating regular training that will equip them with knowledge and skills necessary for

overcoming the challenges they face in their work. Rotich et al., (2017) found that the provision of ongoing training for records management staff was essential for providing them with the knowledge and skills that they need to be effective in handling records management practices and requirements, such as creating records, capturing records, and managing them adequately within their designated record-keeping systems. The training should involve exposure to ICT considering the increased adoption of ICT in the records management systems. Oyaro (2013) also acknowledged the need for conducting periodic or regular training of the records management staff to equip them with the requisite skills. Records management staff should have the necessary knowledge and skills that will enable them to effectively manage records. However, with the changes in records management occasioned by technology adoption, coupled with the increasing diversity of records, there is a need for providing the records management staff with regular training to empower them accordingly. The researcher noted that the ODPP Strategic Plan (2016-2021) emphasized on hiring and training necessary staff to run ICT systems, procedures and processes.

4.5.3 Level of ICT Preparedness in the Management of Prosecution Records

ICT (Information and Communication Technology) preparedness with regard to records management refers to the readiness and capacity of an organization to effectively leverage technology for managing records. Preparedness entails having the necessary infrastructure, systems, and processes in place to support the electronic creation, storage, retrieval, and management of records (Nyawamu, 2018).

The RMOs indicated the establishment of the UADILIFU system that was being used for case management. The PCs claimed the UADILIFU system was in the adoption stages at

the ODPP but also indicated that not all procedures were manual. The RCOs also acknowledged that the UADILIFU system was being adopted at the organization to help in case management.

RMO-2 acknowledged that:

> *there is a system called UADILIFU which is in pilot installation and this system play a big role in managing records.*

PC-9 said:

> *Yes. We are in process of acquiring UADILIFU* case management *system which has not yet been rolled fully.*

RCO-5 agreed that:

> *plans are underway to have the records management procedures automated.*

The findings revealed that automation of records management or rather digitization is gradually being adopted at the ODPP through the acquisition of the UADILIFU case management system. However, the Researcher noted that the ODPP Excellence Charter (2020-2023) indicated that there was inadequate and archaic case management system in place. The researcher also noted that the office was in the process of developing and implementing a case management system by the name 'UADILIFU' which will be integrated with Judiciary case tracking system and it will be used to enhance document tracking, case tracking and electronic filing. It was noted that the word 'UADILIFU' is the Kiswahili word for INTEGRITY. There was, however, some level of ignorance about the implementation of the system amongst some employees, which may indicate failure by the management to adequately communicate about its adoption. The findings also indicate the appreciation of digitization of records at the ODPP as a strategy for enhancing records

management. These findings support the Records Management Continuum model, which recognizes the role of technology in records management. Records managers need knowledge and skills in selecting, implementing, and utilizing records management systems and technologies that support the continuum of records. This includes familiarity with electronic document management systems, enterprise content management platforms, and other information management tools (McKemmish, 2001).

These findings support research done by Nthomiwa (2007) on a case flow management system in the delivery of justice in South Africa and found out that for a court to properly manage its records, information, and Communication Technology (ICT) infrastructure is also needed. The same study through adoption of the continuum model also noted that facilities such as computers with internet, fax machines photocopying machines, and phones are needed. Nthomiwa argues that such systems in place ensure coordination amongst all the key players in the life of a case record. The findings are also in accord with Nyawamu, (2018) who conducted a case study on Kenya Reinsurance Corporation Limited with regard to the records management practices and who found out that records automation ensures that information is readily accessible, easily identifiable, and also economically managed and in addition, the adoption of appropriate ICT systems is essential for enhancing the creation, storage, and retrieval of records in the course of service delivery. Therefore, it becomes evident that the adoption of technology is necessary for enhancing the management of record in organizations, particularly with regard to the effective and efficient delivery of service to the public.

4.6 Utilization of Prosecution Records in Prosecuting Cases

The third research question of the study sought to establish how records are used in the prosecution of cases. Prosecution records are relevant in prosecuting cases as they provide the foundation for building a strong legal case, ensuring compliance with legal standards, supporting effective communication and collaboration among the prosecution team, and contributing to the transparency and accountability of the legal process (Kaupa & Chi, 2020).

The utilization of the prosecution records is therefore in consonant with the principles of the Records Continuum Model on evidential value of the data created and captured as well as the Intelligence-Driven Prosecution Model which emphasizes on the citizens (community) in delivery of quality justice in the judicial system. This study looked at the types of prosecution records at the ODPP, their use and the respective people who use them.

4.6.1 Types of Prosecution Records

There are various types of prosecution records that are generated and maintained during the process of prosecuting cases. However, the specific types of records may vary depending on jurisdiction and legal systems (Issa & Wamukoya, 2018). The RMOs claimed that they managed evidence from investigative units, forensic reports, bariatric reports, petitions, letters, and sermons. The RCOs indicated that they managed duplicate police files for perusal and directions; complaint letters from public members; clearance certificates for employment seekers in government; police files for advice; witness statements; and exhibits. The PCs said that they handled records such as traffic records, criminal plea records; criminal records; legal files; legal diaries and registers; charge

sheets, quarterly case intake reports; and prosecution correspondences with various investigative agencies. They claimed they also managed occurrence books, accused records, and statements; charge sheet; investigation report, correspondence, documentary exhibits, experts report, witness statements; sub-file A-J; and initial reports. Besides, the AAs claimed that they managed case files, police files, registers, transcripts of proceedings in selected criminal trials, precedent files, and policy and procedure files. They also manage affidavits, summons, hearing notices, cases to show cause; submissions, charge sheets; rulings and judgments, and court proceedings.

RMO-6 said:

> *Administrative records such as human resource management records, financial records, contract documents, procurement records mention notices, heavy notices, submissions, affidavits, and rulings.*

RCO-3 noted:

> *Case files, police files, registers, transcripts of proceedings in selected criminal trials, precedent files, policy and procedure files, affidavits, summons, hearing notices, submissions, charge sheets, rulings and judgments, and court proceedings.*

PC-8 testified:

> *We manage police file, diary, daily cause list; Police file; Inquiry files (case files), statutes- laws of Kenya and other international instruments, correspondences, reports*

These findings revealed that that the records that each group of respondents managed were closely related to their specific roles and responsibilities. The findings also indicated that a broad range of prosecution records was required to ensure efficient operationalization of ODPP and support the realization of the organization's core mandate. The researcher noted that the types of records created and received in the office was in line with the Intelligence-

Driven Prosecution Model where the model does not focus on one type of crime but cuts across a wider geographical area. These findings align with the propositions of the records continuum model that the utility of records in organization should support the business processes, accountability, decision-making, organizational memory, compliance, risk management, knowledge sharing, collaboration, and the preservation of historical and cultural significance (Papagianneas, 2021).

These findings corroborate with a study done by Gomathy et al., (2022) on usage of court records who revealed that records support the efficiency of records managers in these organizations in terms of maintaining the confidentiality of documents and preventing misappropriation of resources. Papagianneas (2021) found that the variety of records within an organization demand various records management personnel who have different sets of skills and expertise for effective management. This is because records vary, from financial to evidential to technical all of which requiring personnel with requisite knowledge and skills.

Therefore, it is imperative for organizations to establish the type of records that they generate and manage so that they can have personnel with appropriate skills and knowledge to manage them. This is imperative if the organization will meet its business, legal, and regulatory requirements and obligations.

4.6.2 Utilization of Prosecution Records in the Prosecution of Cases

The use of prosecution records plays a crucial role in the prosecution of case in terms of ensuring a fair and effective legal process. Prosecution records encompass a wide range of documents, evidence, and information that are generated and collected during the investigation and preparation for trial. These records serve as the foundation for building a

strong case, presenting evidence, and establishing the credibility of the prosecution's arguments (Papagianneas, 2021).

The RMOs claimed that the value from the prosecution records ranged from legal, evidential and administrative. They also agreed that without effective management of prosecution records it becomes increasingly difficult for the ODPP to execute its core mandate. The RCOs also acknowledged the need for proper management of prosecution records in having successful prosecution. The PCs indicated that the prosecution records are valuable in terms providing evidence for prosecuting cases. The AAs indicated that the records support the various functions that the ODPP is mandated to undertake. They claimed that records support the ODPP prosecution process by ensuring effective, efficient, and timely prosecution of all cases and easy retrieval of files when needed. The PRCs acknowledged the significance of the prosecution records in the functioning of the ODPP.

RMO-1 said:

> *Ability to determine rate of crime in the society, Interior Ministry is able to know the new trend of crime in society, through record one is able to employ new way to curb crime;*

RCO-3 stated:

> *Provide information which can be used for decision making as they contain required evidence.*

PC-4 claimed:

> *They contain crucial information which are presented in the court and forms part of evidence.*

According to AA-7:

> R*ecords assist the office to permit mandate which is prosecution effectively since we are able to follow up on status of cases that come up for hearings, mentions, rulings thus ensure that cases are mentioned/heard on time and avoid adjournments which may result in delay of cases, our clients who are*

> *the public are also able to follow up the status of their cases which can only be achieved through records that are effectively kept.*

PRC-4 pointed out that:

> *Proper recording impacts smooth running of activities, records are kept for proof of evidence when need arises, good record management protects files from misplacements allows easy tracing and also it saves times and energy thus higher productivity rates within an organization.*

The findings showed the most critical role of the prosecution record is to provide information or evidence that supports the prosecution process. They also help to determine crime rates and trends and facilitate prosecutorial processes and therefore support the ODPP in its core mandate. This is in line with the Intelligence Driven Prosecution Model established by the District Attorney's Office of New York County (DANY) where Crime Strategies Unit are organized its work at the neighborhood level and divided Manhattan into five smaller geographic areas, each containing an average of four police precincts. The IDPM aimed to promote more informed decision-making throughout the District Attorney's Office by improving the collection and circulation of information on the persons, places, and problems driving crime within discrete neighborhoods. Unlike other community prosecution models, DANY's IDPM does not focus on one particular type of crime.

Subsequently, the findings also demonstrate that despite the various types of prosecution records that are managed at the ODPP, they all tend towards providing administrative and evidential value for supporting the realization of the core mandate of the organization. These findings agree with previous studies such as Papagianneas (2021) who established that prosecution records provide a comprehensive account of the facts, events, and

circumstances surrounding a case that are helpful in advancing justice for the victims and offenders as well. The records should therefore, be meticulously organized, documented, and maintained to ensure their admissibility, accuracy, and reliability in court. In another study, Issa & Wamukoya (2018) also found that the use of prosecution records enables prosecutors to present a compelling narrative, support their legal arguments, and establish the guilt of the accused beyond a reasonable doubt. These records, therefore, provide the roadmap for the prosecution, guiding prosecutors through the complexities of the case and allowing them to effectively challenge the defense's arguments.

4.6.3 Users of Prosecution Records in the Prosecution of Cases

Prosecution records are utilized by various individuals and entities involved in the legal process. These records serve as valuable sources of information, evidence, and documentation that are accessed and utilized by different users (Aziz et al., 2019; Mulauzi, 2019).

The RMOs indicated that the major users of prosecution records that they manage include the Office of the Director of Public Prosecution (ODPP); government security personnel; Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigation (DCI), National Police Service; The Independent Policing Oversight Authority (IPOA), judiciary, private law firms and members of the public. According to the RCOs, the main users of prosecution records are prosecutors, records officers, and clerical officers; investigative agencies such as DCI, EACC, IPOA, Witness protection agency, members of public such as complainants who lodge complaints with the office; and courts.

RMO-6 noted that the:

> *Internal users include the officers who work on the various cases counsels, External stakeholders including law firms, courts and investigating agencies.*

RC-6 pointed out that other users included:

> *Prosecution counsels, investigations, courts, complainants.*

The findings revealed that the attainment of the core mandate of the ODPP relies on a broad range of records, which are created and managed by various members of the staff. The findings demonstrated that even though most of the records are generated internally, they are also shared or rather used by external stakeholders as well. These findings are in tandem with the perspectives of the records continuum model, which recognizes that records have diverse users across different stages of their lifecycle. Therefore, in considering the needs and requirements of these users, organizations can implement effective records management strategies that support business processes, compliance, decision-making, and historical research (Upward, 2000).

The findings also concur with those by Saman & Haider, (2012) who examined the electronic court management in the Civil and Shariah Courts systems in Malaysia and found that they process a variety of documents that require various competencies. These records include summons, court orders, affidavits, cause papers, appeal records and transcripts. Papagianneas (2021) examined automated fairness and justice in People Republic of China and established that the various functions of the court system in the country required various documentations including trial transcripts, case files, appeal records, court orders, judicial opinions and notary records. The management of a broad

variety of records in organization requirement the recruitment of records management staff with the requisite skills and knowledge for managing them effectively.

4.7 Risks that are associated with the Management of Prosecution Records

The fourth research question of the study sought to sight risks associated with the prosecution records particularly when they are not properly safeguarded. Records management risks refer to potential threats or vulnerabilities that can impact the proper management, integrity, accessibility, and security of records within an organization. These risks can arise from various sources and can have significant consequences if not effectively managed (Mulauzi, 2019). This study looked at the risks that are associated with the management of prosecution records and the strategies that could be adopted to prevent or manage their occurrence.

4.7.1 Risks Associated with the Management of Prosecution Records

The identification of risks associated with the management of prosecution records is necessary for developing strategies to counter their occurrences or negative effects in the event they occur. Mulauzi, (2019) concurs that identifying records management risks is essential for organizations to proactively manage and mitigate potential threats to the integrity, security, and accessibility of records.

4.7.1.1 Insecurity of Prosecution Records

The participants indicated that various risks are associated with inadequate management of prosecution records. For instance, RCOs claimed that some of the security risks associated with the management of prosecution records include misplacement, misfiling, shoddy investigation, incomplete files, theft, hacking, arson, dismissal of files by the judiciary due

to lack of evidence and slowness in transferring to digital filing. RCO-7 and RCO-5 concurred that the risks included include:

> *Misplacement, misfiling, theft, shoddy investigation.*

Notably, similar risks were cited by the RMOs, PCs, AAs and PRCs. For instance, RMO-7, PC-12, AA-5 and PRC-4 cited:

> *Misplacement, misfiling, theft, hacking, arson, shoddy investigation, incomplete files.*

The findings revealed that various risks were associated with the management of records at ODPP which was also highlighted in the institution Excellence Charter (2020-2023). The findings corroborate the risks highlighted in other previous studies done by Akor & Udensi, 2014; Aziz et al., 2019; Gesmundo et al., 2022; Agu et al., 2022; Mosweu & Rakemane, 2020 who listed the following as risks facing prosecution records: absence of qualified records management officers; improper training and development of records management staff; the misplacement of loss of files. Gesmundo et al. (2022) looked at how records management strategies affect the performance of administrative staff at Laguna State Polytechnic University in Philippines. They found that one of the major risks associated with records management in the institution involve the absence of control of vital file or routine of records management of files.

This implies that there are various risks that threaten the safety and security of organizational records and most of these risks are a function of deliberate or undeliberate actions by the records management personnel. Therefore, there is need for putting in place mitigation measures against such happenings.

4.7.1.2 Inadequate Resources

Participants indicated that they faced various challenges in the management of prosecution records due to lack of resources. Some of the challenges highlighted include lack of equipment's and facilities, lack of adequate staff, lack of training in records management and lack of support from the management. The PRCs indicated that they faced challenges with regard to records management resources and capacity building. PRC-1 noted that:

> *The office has yet to train me on how I should handle prosecution records.*

According to PRC-2:

> *Lack of enough laptops for typing, poor handwriting of some officers, sometimes I have to multitask managing of data and uploading of charge sheet which require more time, we don't have UADILIFU account affects their work negatively.*

PRC-3 noted that they experienced:

> *... inadequate resources for data capture i.e., laptops, computer, scanners.*

Additionally, PRC-4 noted that their challenges included:

> *Inefficiency record deposition, a cumbersome interference, backlogs allover on the table, lack of sufficient file management units e.g., registers, few bulk filers- to reduce file lying allover.*

The findings indicated that the office lack adequate resources and therefore the management needs to allocate adequate finance through their budget to support the implementation of proper records management. According to Arua et al (2017), there is an issues where low priority given to records management activities and inadequate funds allocation for records management which has led to the recordkeeping being neglected for many years. The same sentiments were made by Innocent (2020) who stated that, the cost of records management is a foreseen challenge and inadequate funds in the office

contributes to some challenges faced by the employees in attaining a sustainable development goal.

4.7.1.3 Lack of Maximum Digitization of Records

The researcher also noted that lack of full automation of its processes in the office was one of the major challenges that hinders its operations. This was due to lack of adequate hardware and software to facilitate accessibility and utilization of prosecution records. Observation carried out by the researcher also indicated that the office lacked adequate computers, internet connection, scanners, photocopiers and other ICT accessories that are necessary in migrating the manual records to digital platform as envied through the adoption of UADILIFU system.

In particular, PC-6 noted the challenges faced to included:

> *Issuance or removal of the crucial document from files without the knowledge of persons in charge making it difficult to trace them and inadequate training of staff on digitization, the difficulty of scrutinizing compliance with retention schedule, the difficulty in tracking unrecorded records, and file misplacement.*

The findings revealed that there was a broad scope of challenges that were involved in the management of prosecution records which undermine the efficiency and effectiveness of operations at the ODPP. They included lack of training, inadequate equipment, inadequate skills for using the UADILIFU system and file backlog that makes tracking difficult. These findings are supported by previous studies such as Saman & Haider, (2012) who found that organizations grapple with a broad variety of records that require different skill sets which their records management personnel lack; the implementation of security measures to ensure only authorized people access records has also contributed to access challenges. Oyaro (2013) established that one of the challenges is the efficient management of the

record in the department including improper filing at the registry; inadequate record management skills among some staff. Therefore, the ineffectiveness associated with records management is a function of challenges that are encountered by the records management personnel. These findings clearly affirm that records management staff at the ODPP experience various challenges as indicated and that there is a need for the organization to look into such issues. There is a need for profiling these challenges for the purpose of identifying their sources and determining how they can be mitigated.

4.8 Strategies that can be adopted to enhance the Management of Prosecution Records

The fifth and last research question of the study sought to identify the strategies adopted to mitigate risks or prevent their occurrence in enhancement of prosecution records. The identification and subsequent implementation of such strategies can enhance the management of records, improve compliance, mitigate risks, ensure the integrity and accessibility of records, and support efficient business processes (Aziz et al., 2019).

4.8.1 Enhancing Records Security

The PCs claimed that varied mitigation measures are undertaken by the ODPP to counter these risks. They included automating records and hiring qualified records management staff and providing them with regular training and use of proper filing systems. The other measures include the provision of adequate equipment and infrastructure; documents are scanned and duplicated and documents are also assigned to individuals for safekeeping.

According to the RMOs, some of the countermeasures to these risks include digitization of records; restricted access and safe custody of records, and employing qualified records management staff who according to them are provided with continuous training on records

management. Others included CCTV installation; including regular updating of files and tracking files through the system using a movement register which was in conjunction to the questions asked in observation checklist. One RMO [RMO 2] said:

> *They should also use the UADILIFU case management that is integrated with other government agencies and ensures accountability when it comes to receiving and dispatching files.*

RCO-8 also noted:

> *Undertaking a proper recording and tracing system by the use of movement registers, officers are accountable for all the file received by them i.e. they have to sign on the movement register that they have received a certain file.*

4.8.2 Provision of Adequate Resources

The researcher noted that there is need of making sure that users are equipped with proper skills, training, purchase of modern equipment and software and sufficient budget and funding, among other suggestions.

PRC-1 said the ODPP should:

> *Train the staff involved with the duties, provide required infrastructure for handling documents appropriately.*

In particular, RMO-7 said that the ODPP should:

> *Employ qualified staff, allocate sufficient funds to manage records, continuous training of staff handling records, develop in-house policies and procedures in handling prosecution records within the organization.*

RMO-11 also pointed out that the ODPP should:

> *Train more staff on the importance of effective record management, provide necessary infrastructure to ensure that records are safe and secure.*

According to PCs, other mitigations included establishing secure filing of documents; employment of qualified staff; continuous staff training on records management;

establishing and equipping registries in various county offices; providing adequate equipment and facilities for managing records.

4.8.3 Automation of Prosecution Records

The potential economic impact of automating the legal system is significant. Bates, Dietrich, and Mansfield (2019) explain that Court automation is a powerful tool for increasing transparency and accountability in justice administration.

According to PCs the mitigation that have been put in place to enhance the management of prosecution records at the ODPP included the establishment of the UADILIFU case management system. The PCs also recommended training and fast-tracking of automation process. According to PC-8 the ODPP should provide:

> *Proper training, provision of enough IT infrastructure to enhance record management, employ enough personnel to enhance record management.*

PC-13 also recommended the:

> *Recruitment of professional data clerks and ICT experts, automation of record keeping, prosecution records to be automated.*

The findings indicated that the RCOs also recommended the speeding up of technological uptake in record management processes at the ODPP. According to RCO-6 the ODPP should:

> *Fast-track automation of records, employ more qualified staff to handle records.*

Besides, RCO-8 recommended:

> *Capacity building of staff handling record, records automation.*

In the same vein, the AAs also recommended investment in capacity building. For instance, AA-1 recommended that the ODPP should:

> *Develop highly capable, skilled and specialized staff, enhance human resource capacity, implement and maintain an effective case management system.*

Another AA-4 recommended:

> *Complete/total digitalization, leverage automation to identify important information, implore integrate devices to assist with document capture, application of standardization and archival strategies for easy management, implement collaboration tools, ensure safe disposal of unneeded documents.*

The findings showed that various measures could be used to enhance the management of prosecution records, including establishing proper filing systems, providing adequate equipment, scanning and duplication for safer record keeping, and regular updating and tracking of files. The findings also revealed that the increment of funds for records management; continuous training of records management staff, establishment of records management policies and procedures and full adoption of technology in the records management processes and practices could counter the identified risks. These findings agreed with those by Saman & Haider, (2012) who examined the electronic court management in the Civil and Shariah Courts systems in Malaysia and determined that various risks associated to records management such as missing file, misplaced files could be mitigated by establishing a proper file tracking system as this would increase the pace of tracking overlapping cases and reduce case backlogs. Papagianneas (2021) also established that the automation of the judicial processes resulted in increased procedural compliance and substantive consistency in the delivery of justice. The participants recommended the training of records management staff and the recruitment of more qualified staff. The findings are similar to those by Rotich et al., (2017) who evaluated the use of records management to enhance accountability at the Kenya National Assembly.

The study found that the mitigation of risks associated with records management require the provision of ongoing training to records management staff was instructive in equipping them with the knowledge and skills that they require to effectively discharge their duties and responsibilities in records management.

The findings also coincide with those by Issa & Wamukoya (2018) who looked at the role that electronic records management plays in delivering justice in Tanzania. The study found that the provision of infrastructure to support records management was instructive about the delivery of justice in the commercial courts in Dar es Salaam, Tanzania which included providing of spacious rooms for better storage and records classification, purchasing computers with large storage capacities, and purchasing additional file management units. Besides, the respondents generally recommended the establishment of policies and procedures for records management. Rotich et al., (2017) established that the establishment of policies for records management outline the organizational goals and objectives regarding the management of records and also provides the guidelines through which those goals and objectives are realized. In a study done by Saman & Haider (2012) on management of electronic court records found out that the implementation of an electronic records management system in the Malaysian courts had injected efficiency in the management of cases, fastened up an error-free registration of cases, eased up the tracking of cases, and eliminated case backlogs.

Therefore, organizations need to conduct audit of their records management processes and practices to establish the risks that they face. This is instructive in devising the mitigation measures that will counter the risks and ensure effective management of records.

4.9 Chapter Summary

This chapter presents the findings of the data analyzed under the objectives of the study using the relevant literature. The use of questionnaires, interview schedules and observation method in collecting data enabled the researcher to understand in-depth how court records constitute a critical aspect of the prosecution process and must therefore be well organized and cared for to support the successful prosecution of cases. The study has been presented using themes generated from the objectives of the study. The findings collected from the respondents indicated that the management of records in support of the prosecution process at the Office of the Director of Public Prosecutions is not up to standard.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents summary of findings, conclusion and recommendations based on the objectives of the study. Notably, the main aim of the study was to investigate the management of records in support of the prosecution of cases by the Office of the Director of Public Prosecutions with a view to enhancing the management of records for successful prosecution. Therefore, the following research questions were adopted for the study:

i) How are prosecution records created, captured, organized, and pluralized?
ii) What are the factors that influence the management of prosecution records?
iii) How are prosecution records utilised in the prosecution of cases?
iv) Determine the risks associated with the management of prosecution records?
v) Suggest strategies that can be adopted to enhance the management of prosecution records?

The research questions of the study were used as the organizing themes for this chapter.

5.2 Summary of the Research Findings

The summary of the findings considers each of the research questions which was formulated to address the issues that contributes towards the management of records in support of the prosecution processes at the Office of the Director of Public Prosecutions.

5.2.1 Creation, Capture, Organization and Pluralization of Prosecution Records

The investigation of the records management process at the ODPP revealed a structure that included creation, capturing, organization and pluralization of prosecution records. The examination of each of these processes of records management at the directorate was

important not only in understanding what they entailed but also how they are related, their effectiveness and how they supported prosecution of cases, which is the core mandate of the ODPP.

5.2.1.1 Records Creation

The findings of the study revealed that there were various processes that were used at the ODPP to create records. The creation process began with the receipt of records at the central registry, which occurred on a daily basis. However, the findings further indicate that there were challenges noted with the records creation process was the absence of laid down records creation procedures. It is therefore evident that, the findings from the research shows that there were no documented procedures that guided the staff on how records are created (Chapter 4 section 4.4.1). The absence of the documented procedures as per the findings of the study has disregarded the Records Continuum Model principles.

5.2.1.2 Records Capture

The findings from the study revealed that various processes were involved in capturing records at the ODPP. These processes included identifying, selecting, and acquiring records to be included in the central registry. This central registry system captures all the records that are created in the organization by the records management personnel. This demonstrated that the records capturing process at the directorate is centralized through the use of the central registry system (Chapter 4 section 4.4.2). The findings further revealed that there were challenges in this foundational process of records management that involved capturing inaccurate or incomplete files which resulted into data inaccuracy and absence integrity, data load, data loss due to absences of regulatory compliance on existing laws that govern records in any format.

The findings revealed that the RCOs and the PCs were the key records management personnel charged with record capturing function at the ODPP. However, it is evident from the findings that if personnel charged with the responsibility of capturing records did not apply due diligence, then the prosecution records were prone to risk of loss, misfiling, delay in records retrieval, compromise confidentiality and integrity of records.

5.2.1.3 Records Organization

The findings showed that there was adequate evidence to indicate that the ODPP has a movement register, which played a significant role in organizing records. The register helped records management personnel such as the RMOs to track the movement of files within the system, know how far it has been processed and who was handling it at a particular time. Findings from the study also indicated that there was overwhelming evidence to indicate that the organization of records at the ODPP is based on a classification system (see Chapter 4 section 4.4.3.1).

5.2.1.3.1 Access and Use of prosecution Records

The findings of the study also revealed that access and use of records in the ODPP was in a good state (see Chapter 4 section 4.4.3.2). The study established that the process of retrieving files at the ODPP was made easier for the records management personnel as they could access them in a timely way. Nevertheless, findings indicated noted that the ODPP did not have an access policy which determines personnel who are authorized to access records at particular point. The lack of records access policy however presented challenges especially in terms of access rights hence compromising records access procedures and security in the ODPP.

5.2.1.3.2 Storage of Prosecution Records

The study further showed that the records organization also involved the proper records storage, maintenance and security at the ODPP. There were measures that were put in place to ensure the safe storage of the prosecution records, which included the use of safe locks and fireproof steel cabinets that are lockable. The respondents however indicated that the storage infrastructure was not adequate to handle all the prosecution records. As a result, some of the records were being stored on the floor due to inadequate filing cabinets and shelves. Consequently, these records were all stored together creating a congested and disorganized appearance of the affected registries and preservation section (see Chapter 4 section 4.4.4.1). Prosecution records safety was also enhanced by automation of the records management system at the ODPP, which makes it easier for the records manager to trace them whenever need be. However, the findings indicated that automation process was still at its nascent stage and even some of the records management personnel were not conversant with it.

Overall, the findings from the study maintenance of records at the ODPP generally revealed that the office did not have appropriate storage equipment's and facilities to store and preserve records. The findings revealed that the prosecution records were stored in the registry despite inadequate facilities before they are forwarded to action officers.

5.2.1.3.3 Security of Prosecution Records

Moreover, the study also revealed that the security of the prosecution records was another salient feature of records organization at the ODPP. There were physical measures that were used to ensure the security of the prosecution records including the use of fireproof

steel cabinets, and safe locks. The respondents, however, noted that the inadequate storage equipment for records was undermining the security of the prosecution records.

5.2.1.4 Pluralization of Records

The findings of the study established that the pluralization of records at the ODPP involves the preservation and disposal of prosecution records, which are critical components of records management continuum that ensure the existence of records beyond the boundaries of a single creating entity. The preservation of prosecution records involved routine cleaning and periodic spraying of the record sections to keep away dust and rodents respectively.

5.2.1.4.1 Preservation of Prosecution Records

The findings further established that quality storage containers were used to store records, which ensured the good form of the archived material in the long term. The overall findings on preservation of records at the ODPP showed that they did not have a well-coordinated programme for preservation and disposition of its records (see Chapter 4 section 4.4.4). However, the findings revealed that the directorate lacked mechanisms for monitoring and controlling of records preservation process as well as challenges encountered while preserving records at the ODPP which consisted of congestion and inadequate space in storage areas, no instruments to measure humidity levels and lack of fire detectors (see Chapter 4 Figure 4.3). The findings from the observation showed congestion of records in storage section and the cabinets used were inadequate to an extent some files were scattered about and were not arranged in any order.

5.2.1.4.2 Disposal of Prosecution Records

Pluralization of records also entailed effective disposal of records at the ODPP. The findings from the study revealed that the disposal of records at the ODPP was not based on any specified guidelines as there was no records retention and disposal schedule. The findings revealed that the ODPP relied mostly on the Records Disposal Act (Cap 14) and the Public Archives and Documentation Service Act (CAP 19) of the Laws of Kenya which provides guidelines on when to dispose its records either by destruction or stored for a specific period of time to manage its records (see Chapter 4 section 4.4.4.2).

5.2.2 Factors that influence the Management of Prosecution Records

This involved examining the availability or absence of legal policies and procedures; knowledge and skills possessed by the records management staff and records users; and levels of ICT preparedness in the management of prosecution records.

5.2.2.1 Availability or Absence of Legal, Policies and Procedures

The study revealed that the key legal policies that govern records management practices include the Public Archives and Documentation Service Act CAP 19, Records Disposal Act Cap 14 and the Records Management Procedure Manual for the Public Service (2010). These policies outline guidelines and procedures to manage records in public service organizations. Therefore, the overall findings of the study revealed that the ODPP did not have a tailor-made records management policy in place (see Chapter 4 section 4.5.1). The findings also established that there was no clear communication to its staff handling records whether there was procedures and policies that guides the management of records in the institution. The absence of tailor-made policies and procedural frameworks hampered effective management of records.

The findings established shortcomings which affected efficient management of records such as absence of a records management policies and guidelines, inadequate resources such as budgetary allocation and inadequate staff with requisite training in records management However, the evidence from the findings indicate there were various positive considerations and practices that were involved in the management of prosecution records at the ODPP.

5.2.2.2 Knowledge and Skills possessed by Records Management Staff and other Users

The findings of the study demonstrated that most of the records management personnel had the requisite knowledge and skills to undertake their respective tasks and responsibilities, which supported the directorate in fulfilling its mandate (see Chapter 4 section 4.5.2). The study also revealed that competencies in records management by the record management personnel at the ODPP were integral in ensuring effective management of prosecution records.

The findings further revealed that there are various methodologies that the ODPP used to develop records management competencies of their records management personnel. They included workshop training; on-the-job training; acquisition of the relevant certification such as diplomas and degrees; and career progression training. Besides, the findings revealed that there were inadequate consistent on training to equip the records management personnel with requisite knowledge and skills to handle the transition from the analogue to the digital dispensation of records management.

5.2.2.3 Level of ICT Preparedness in the Management of Records

The findings revealed that the ODPP was not fully prepared for the digital transition even though it was keen on leveraging technology in the management of prosecution records. The findings revealed that the directorate has adopted the UADILIFU Case Management System that is at its initial stages of implementation. At its full operationalization the system will be integrated with the judiciary case tracking system to fast track the prosecution of criminal cases and ensure the integrity of all prosecution records within and outside the directorate. Nevertheless, the findings revealed challenges that slowed down the transition process which included inadequate training on case management system and as a result, not all records management personnel were conversant with the UADILIFU system that was being implemented. This reflected the need for training on the same to ensure that all records management personnel appreciated the ongoing digitization process and had the right knowledge and skills for operationalizing it. Therefore, the adoption and use of ICT in ODPP need to be hastened.

5.2.3 Utilization of Prosecution Records in Prosecuting Cases

This involved investigating the types of prosecution records at the ODPP; the use of prosecution records in the prosecution of cases; and the users of prosecution records in prosecuting cases.

5.2.3.1 Types of Prosecution Records

The evidence from the findings indicated that there were various types of prosecution records that the directorate relied on to fulfil its constitutional mandate. These records included evidence from investigation agencies, forensic reports, bariatric reports, petitions, complaint letters from public, sermons, clearance certificate for persons

seeking employment in government; witness statements, exhibits, police files for recommendations for prosecution; traffic records; criminal records; criminal plea records; legal diary and registers; quarterly case intake reports; correspondences; subfile A-J; initial reports; transcripts from proceedings in selected criminal trials; policy and procedure files; precedent files; affidavits; hearing notices; procurement mention notices; financial records; contract documents; human resource management records; registers; enquiry files; cases to show cause; and rulings and judgements.

5.2.3.2 Utilization of Prosecution Records in the Prosecution of Cases

The findings of the study found out that prosecution records are essential in ensuring fair and just legal processes at the ODPP. Correspondingly, the records provide administrative, legal and evidential support thereby ensuring that the directorate achieves its core mandate, which consists of prosecuting criminal cases. The prosecution records ensure effective efficient prosecution of criminal cases and their serialization and classification facilitate timely retrieval and utility.

The study further found that prosecution records impact the smooth operationalization of the directorate activities, in terms of providing guidelines on what needs to be done about a particular case and at what stage. However, study also revealed that utilization of records in the prosecution of records face challenges such as incomplete and missing files which slowed down the prosecution process and also compromised the integrity of the records. Additionally, the findings of the study revealed that absence of sufficient information touching on evidence aspect and misplacement of files is a major hinderance hampering utilization of records at the ODPP as records provide evidence-based information that is crucial in prosecution of cases at the judicial system. In this regard, the ODPP has lost

cases at the judicial system which has led to dismissal or postponement of cases hence affecting service delivery to the public. In sum, all the records at the ODPP contributes towards overall achievement of the organization goals and objectives.

5.2.3.3 Users of Prosecution Records in the Prosecution of Cases

The study findings revealed that the users of prosecution records are not just limited to the directorate but also includes other stakeholders from outside. The study revealed that major users of prosecution records included the Office of the Director of Public Prosecution (ODPP); government security personnel; Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigation (DCI), National Police Service; The Independent Policing Oversight Authority (IPOA), Witness Protection Agency, judiciary, private law firms and members of the public. Therefore, the credibility and accuracy of the prosecution records does not only benefit the directorate but all the stakeholders who rely on their records to make their decisions. From the study, it's quite evident that the ODPP staff and stakeholders using records are likely to encounter the following challenges in their line of duties; absence of data accuracy and integrity, weak legislation, absence of organization frameworks, inadequate ICT skills and competences among staff.

5.2.4 Risks that are associated with the Management of Prosecution Records

The findings of the study showed that there were three key risks that were associated with the management of prosecution records at the directorate. These included insecurity, inadequate resources, and absence of full digitalization. The risks regarding insecurity included misplacement of records, misfiling, shoddy investigation, incomplete files, theft, hacking, arson, dismissal of files by the judiciary due to lack of evidence and slowness in transferring to digital filing. The other identified risk involved in adequate resources

characterized by the inadequate equipment and facilities that support management of records and inadequate records management staff. In addition, there was inadequate training on staff development programs which results in delays in processing cases and case backlogs.

The findings of the study also revealed that the directorate had not digitized its processes fully thus, significantly impeding the effectiveness of its operationalization. This was associated with absence of ICT tools and equipment required for digitizing the prosecution records. Consequently, the findings revealed that the ODPP had invested minimally in computers, scanners, photocopiers, strong internet connection and other accessories that supported smooth transition into the UADILIFU digital platform for case management.

5.2.5 Strategies that can be adopted to enhance the Management of Prosecution Records

The findings revealed that some of the strategies that could be adopted to enhance the management of prosecution records at the directorate include enhancing records security, providing adequate resources and automating prosecution records. The enhancement of record security will entail the automation of prosecution records; hiring records management personnel; and the provision of regular training. Others included CCTV installation; including regular updating of files and tracking files through the system using a movement register.

The findings established that the provision of adequate resources entailed the funding of the records management function at the directorate; provision of regular training and development programs to the records management personnel to reskill and upskill their competencies. There is need to acquire modern tools and equipment that support records

management. Furthermore, the findings revealed that automation of prosecution records would involve full implementation of the UADILIFU case management system which should be fast-tracked to make the record management process at the directorate more effective and efficient.

5.3 Conclusion

This section provides conclusion based on the major findings of the study. The overall findings revealed that creation and capture of records at the ODPP is continuous and dynamic as it ensures the accuracy, integrity and completeness of the files as they are received or requested into the organization's central registry from several investigative agencies.

The findings pointed out that there was absence of laid down records creation procedures at ODPP and therefore records were not professionally managed from creation to final disposal as required by RC model. In order to achieve the mandate of the office in the management of records, much more is needed with regard to managing records from creation all the way to their ultimate disposition.

The study observed that the ODPP did not have a tailor-made records policy in place. This is contrary to observation of Mnjama and Wamukoya (2007) who state that the management of records in all formats must be supported by clear policies, procedures and guidelines if they are to retain their evidentiary value for accountable and transparent governance. Further, the study also revealed that the ODPP lacked access policy which affects records security as well as the records retention and disposal programme.

Inadequate trained personnel in records management and minimal investment in training and development are also some of the challenges observed in the study. This agrees with

Wamukoya and Mutula (2005) who noted that, skills and competencies in records management are necessary for organizations to demonstrate accountability, transparency and a commitment to root out corruption and malpractice.

From the study it was evident that the records management system in place was partially automated and therefore the office was in the process of digitizing its processes through the implementation of the UADILIFU case management system. Kisongwo (2016) posits that non-automation of the court records have contributed to various challenges facing the court in terms of delays in access and retrieval of court records as well as storage and space problems, missing files among others. However, it was also noted that not all records management personnel were conversant about the implementation of the electronic case management system and this indicated a need for training on the same.

In conclusion, the findings from the study has revealed that the management of records in the ODPP was fairly managed thus undermining service delivery and overall administration of justice. In view of this, it can be concluded that management of prosecution records and the administration of justice have a direct connection in determining an effective prosecution process at the judicial system. It is also anticipated that the recommendations presented below will go a long way in addressing the identified gaps and challenges.

5.4 Recommendations

Considering the conclusion of the study, a number of recommendations have been proposed that if adopted and implemented by ODPP, it will help to improve the state of prosecution records which would have a significant impact in prosecution of cases. The study recommends the following strategies:

5.4.1 Creation, Capture, Organization and Pluralization of Records

1: Records Creation and Capture – The ODPP top management should consider developing documented procedures and guidelines that would assist the staff handling records to understand how records are being created and captured. The Records Management Officers should ensure all officers handling records should adhere to these stipulated procedures and guideline in management of records. This will ensure standardization of procedures at the ODPP which would have positive impact in the management of records from creation to the final stage of disposition. According to Chinyemba and Ngulube (2005) the management of the records after their creation is just as important as ensuring that the right records have been captured. The ODPP also needs to consider decentralization of its activities to other mini registries within the directorate in order to ease work at the central registry and ensure that the records received and captured from the investigative agencies are dealt with in timely manner. The person in charge of the Records Section should also ensure that the data received and captured from external stakeholders should be of high integrity in order to eliminate certain gaps like incompleteness and inaccuracy of data.

2: Records Organization and Classification – It is recommended that the ODPP top management should ensure that the records are organized in a manner that is easily accessible to the users. Timely and accurate retrieval of prosecution records depends largely on how well organized and classified the records are (ISO 15489-1, 2016; Ngoepe, 2008). Therefore, the records management officers should make sure that there are systems in place which would ensure the tracking of records at a particular time and the status of

such cases within the courts of law. Furthermore, the records management officers should plan and ensure that all the prosecutions records are organized and classified accordingly.

3: Enhance Security Measures - The ODPP top management should adopt comprehensive security protocols to safeguard prosecution records from risks such as misplacement, theft, hacking, and arson. This could include restricted access to sensitive areas, use of encryption for digital records, and installation of surveillance systems to deter unauthorized access or tampering. However, the study revealed that there was absence of access policy which would determine people who are authorized to access records. The top management in liaison with the head of records section should develop and ensure that the policies governing records management are observed by all members of the staff. This would enforce security of records because it will ensure that unauthorized people are locked out from accessing the records. Mnjama and Wamukoya (2007) expresses a similar view by stating that records are valuable assets that need to be managed and protected. The policy would provide access rights depending on the sensitivity and confidentiality of records.

4: Records Storage and Preservation - The Office of the Director of Public Prosecutions should consider providing adequate storage facilities for the management of the prosecution records and its processes. This will ease records retrieval and prevents congestion in registries where the prosecution records are stored and preserved. According to Shepherd & Yeo (2003), records storage and preservation is very important for managing records because it ensures that records are secure, complete and accessible for as long as users need them. The head of the records management at the ODPP should liaise with the top management to ensure that they procure the right and adequate storage

equipment for all the registries. The office also needs to establish an archival section with adequate resources and facilities to manage semi current and inactive records which have continuous future value. The storage equipment should also be ideal to safeguard records from any disasters and risks. They should be of high density, fire-proof and able to protect the records.

5: Appraisal and Disposal of Records – The head of records management in conjunction with the records management staff should consider developing the records disposal programme which would guide them to undertake appraisal and determine which records needs to be disposed of or transferred to an archival unit hence creating adequate space in registries to manage current records. Ngoepe and Nkwe (2018:130) see appraisal as like a way or process of separating chaff from the wheat, which means separating records with long-term value from records with only short-term value. They use wheat to refer to long-term value records as they are permanently important and chaff used to refer to short-term value records as they are only used for short period before they are destroyed. The study also recommends the records management officers to develop the records and disposal programme in accordance with the Records Disposal Act Cap 14 and other relevant Laws governing records in Kenya.

5.4.2 Factors that influence the Management of Records

The study findings revealed that the ODPP did not have a tailor-made records management policy, adequately trained records management staff and inadequate utilization of ICT in supporting management of records.

6: Records Policies and Procedures – The study strongly recommends enhancement of records management policies and procedures in addressing the emergent lapses that may

compromise the accuracy and integrity of records. As stated by Chinyemba and Ngulube (2005: np) records management programmes operate within the framework of policies, rules and procedures that give guidance to the practice. Therefore, this is particularly recommended for the ODPP which entirely relies on records for its operationalization and particularly prosecution records to achieve its key mandate. More specifically, the directorate should develop a retention and disposal schedule to strengthen the pluralization aspect of its records management processes. A clear communication strategy should also be established to ensure that records management policies and procedures are effectively communicated to all staff members at the ODPP. This could involve regular training sessions, workshops, and documentation to make sure that everyone understands and follows the established processes consistently. The ODPP top management should endorse the developed policy and the records management officers should create awareness and conduct training on the contents of the policy to other staff handling records.

7: Training and Development Programs - There is a need for laying structures for providing continuous learning and development for the records management personnel through training and development programs. Top management at the ODPP should allocate budgetary support on training programs and ensure that all staff handling records are trained on records management on continuous basis. The head of the records Division in liaison with the head of Central Facilitation Department should ensure records management officers are employed on merit and identify other members of the staff who handles records directly or indirectly for on job trainings. This is necessary considering the increased adoption of technology in the management of records, which require records management personnel to continue updating themselves on emerging technologies and existing records

management policies and procedures on how they can leverage them in their records management roles and responsibilities.

Furthermore, the training and development programs will be essential for streamlining the management of records at the directorate and also providing the management with forums for communicating with the staff about their strategic plans regarding records management. Ngulube (2001) emphasized the need for records staff with records management skills and knowledge as a prerequisite to effective records management. Similarly, Kemoni and Ngulube (2007) recommended that in order to raise the profile of records management in the public service in Kenya, staff in the registries should be recruited and deployed on the basis of their records management qualifications and experience.

8: Comprehensive ICT Integration - Given the transition towards an electronic records management approach through the UADILIFU case management system, the ODPP should provide thorough training to all records management personnel on the system's functionalities and best practices. Johare et al (2009) revealed that countries in Asia, United Kingdom, Australia and United States of America and Africa has introduced computerization of court records to reduce the problem of misplacement, loss, delays and backlogs in courts. The directorate therefore needs to offer continuous support and resources to address any challenges and ensure a smooth transition to the new system. The ODPP top management through the ICT staff should, therefore, invest in the appropriate tools and equipment that translate into the full operationalization of the UADILIFU case management system that is aimed at ensuring the effectiveness of service delivery by the directorate.

9: Top Management Involvement in Management of Records - Effective records management in institutions is not possible without the involvement of the top management. The study findings revealed that although records management was seen as an important component in the delivery of justice, it had not been supported fully by top management. Therefore, the study proposes support from the top management through the Director of Public Prosecutions in hiring of competent records management personnel, purchasing records management equipment and providing continuous training to records management staff with regard to prioritizing the records management function of the directorate with particular consideration of the role that prosecution records play in the realization of its mandate.

5.4.3 Utilization of Records in Prosecuting Cases

10: Streamlined records management for case diversity - The records management officers should develop a comprehensive categorization system that effectively organizes and manages prosecution records according to the various types of criminal cases the directorate handles. This categorization should align with the specific evidentiary requirements of each case type, ensuring that the right records are readily available for prosecution, thereby facilitating a fair and just legal process.

11: Standardized Evidential Value - The ODPP should come up with standardized procedures for documenting and maintaining the evidential value of prosecution records. The study, therefore, recommends the integration of records management to the provision of evidence-based prosecution of cases at the ODPP using the RC model (Upward, 2001). This includes clearly defining metadata, context, and authenticity attributes that contribute to the credibility and reliability of the records when presented as evidence in court. The

records management staff should also conduct regular audits which ensures the preservation of evidential integrity.

12: Effective External Stakeholder Collaboration - The directorate should recognize the importance of external stakeholders who rely on the accuracy and reliability of prosecution records. The DPP should strengthen collaboration with the judiciary system and other legal entities to establish standardized formats and processes for sharing records, ensuring consistency and accuracy across the legal ecosystem. This view concurs with Roper and Millar (1999) who argue that any effective records management programme cannot be undertaken successfully in a vacuum.

5.4.4 Risks that are associated with the Management of Prosecution Records and Strategies that can be adopted to enhance the Management of Records

13: Develop a Risk Management Plan for Records Management - The directorate should develop and implement a comprehensive risk management plan that addresses potential threats to the accuracy, integrity, and security of prosecution records. Visser and Erasmus (2002:196) refers to risk management as the process of identifying and controlling risks of all kinds: accidents, fire, theft, and liability suits. Therefore, this plan should include regular assessments, contingency measures, and protocols for responding to incidents such as misfiling or data breaches.

5.5 Contribution and Originality of the Study

The concept of prosecuting of cases is a fundamental aspect to the administration of justice and the protection of citizen's right in courts. As a result, management of prosecution records is widely used in literature to aid prosecution of cases through availability of evidential data created and received from the investigative agencies pertaining the crimes

committed by offenders. Ideally, systematic, efficient and organized records management system provides comprehensive information for courts to guarantee unbiased decision. Wamukoya (2007) noted that poor records keeping results in: poor decision making; lack of transparency and accountability; theft, corruption and plunder of resources; mistrust of the organization and those who run it; frustrations amongst staff, stakeholders and citizens; poor productivity and failure to meet obligations and mandates; vulnerability to lawsuits. Subsequently, Thurston (2005) mentions that lack of evidence in the form of records can lead to failure of the judiciary system to bring justice to the citizens and this leads to loss of faith in the administration of justice.

The current study, therefore, attempted to look at prosecution of cases in the Office of the Director of Public Prosecutions from a records management perspective. The study however, recommended mutual working cooperation among all the stakeholders in the justice system in order to achieve meaningful prosecution of cases and speedy delivery of justice in the Kenya. This was premised on the fact that records management provides the means through which to guarantee the creation, capture, availability and usability of accurate, reliable and trustworthy records that can be trusted as evidence in open government (Maseh, 2015). However, studies such as the current one contributes towards the scholarly reference in future on the management of prosecution records and how they impact on prosecution process at the Kenyan Judiciary system. Besides, few empirical studies have been conducted on prosecution organ of the criminal justice system in Kenya. Therefore, the current study is significant in contributing towards improvement of the scholarly research and literature on management of prosecution records theory and practices in developing countries such as Kenya.

5.6 Suggestion for Further Research

The aim of this study was to investigate the management of prosecution records in support of prosecution of cases at the Office of the Director of Public prosecutions headquarters Nairobi with a view of promoting effective and efficient justice delivery. The study was limited to one of the partners in the criminal justice in Kenya. However, there are other players in the criminal system who equally contribute to or undermine the delivery of justice in Kenya. They include majorly the National Police Service, Ethics and Anti-Corruption Commission, Department of Criminal Investigation, Independent Police Oversight Authority, Kenya Revenue Authority and Kenya Wildlife Service. This study, therefore, recommends further investigations of the same variables to be undertaken with these other players to determine how they manage their records and the impact this has on the overall delivery of justice in Kenya. In addition, the study further recommends future research on impact of leveraging digital technology in administration of justice at the Office of the Director of Public Prosecutions.

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APPENDICES

Appendix 1: Introductory Letter to Respondents

Silvano Kipkebut
P.O. Box 30701
Nairobi.
October, 2019

Dear Respondents,

RE: RESEARCH PROJECT FOR THESIS PROJECT

My name is Silvano Kipkebut a Master of Science student in Records and Archives Management. I am undertaking my research for my Master's degree at Moi University School of Information Sciences. The title of the study is "Management of records in support of Prosecution of Cases at the Office of the Director of Public Prosecutions Headquarters in Nairobi, Kenya".

I am kindly requesting for you to participate in this interview in order to enable me to collect data that will address the research problem and achieve my research objectives under investigation. However, be assured that the information you will provide will be purely for academic purposes and therefore treated with utmost confidentiality. Your participation in facilitating the study is highly appreciated. Thank you.

Yours Faithfully,

Silvano Kipkebut
Masters Student

Appendix 2: Interview Schedule for Records Management Officers/Registry Clerical Officers

Section A: - Background Information.

Designation/job title: …….

Department…….

Highest Level of Education……

Years of Service…….

SECTION B: -

1. What is the core mandate of ODPP?
2. What are your specific roles and duties?
3. What value does ODPP attach to prosecution records?
4. How does sound management of records support the prosecution process?
5. How is a prosecution file created, maintained and utilized?
6. What other supporting records are received or generated by ODPP?
7. What security measures are accorded to prosecution records?
8. What challenges do prosecution records face?
    a) Misplacement [ ]
    b) Misfiling [ ]
    c) Theft [ ]
    d) Hacking [ ]
    e) Arson [ ]
    f) Shorty investigation [ ]
    g) Incomplete files [ ]
    h) Other, please specify (……..)
9. What mitigation measures are undertaken by ODPP to counter the above challenges?
10. Who are the main users of prosecution records?
11. What measures are put in place to control/curb the movement of prosecution files among authorised users?
12. Do you have a specific filing classification system to manage prosecution records in your office?

13. How effective is it to retrieve prosecution records when needed?
14. What top management support is accorded to management of prosecution records?
15. What policies and procedures are in place to support the management of prosecution records?
16. Is there an existing records retention and disposal schedule for prosecution records?
17. Has the Directorate automated its prosecution records?
18. If not, what plans are there to automate its prosecution records?
19. Are there adequate equipment's and facilities in your office to handle prosecution records?
20. What training do staffs managing prosecution records have?
    a) On-job training [ ]
    b) Workshops trainings [ ]
    c) Institution training [ ]
    d) Diploma [ ]
    e) Degree [ ]
    f) Masters [ ]
    g) Others, please specify (……)
21. How many professional records managers have been trained in handling prosecution records?
22. What changes would you recommend in connection to the strengthening of records management in a bid to enhance effective prosecution process?

THANK YOU FOR YOUR TIME.

Appendix 3: Interview Schedule for Administrative Assistants/Prosecution Clerks

Section A: - Background Information.

Designation/job title: …….

Department…….

Highest Level of Education……

Years of Service…….

SECTION B: -

1. What is the core mandate of ODPP?
2. What are your roles and duties in the office?
3. Does your duty involve handling of records? If yes, what types of prosecution records do you handle specifically?
4. How do records support the work of the Directorate in the prosecution process?
5. How are these records managed?
6. Who manages prosecution records?
7. What are the risks that may arise if the prosecution records are not adequately safeguarded?
    a. Misplacement [ ]
    b. Misfiling [ ]
    c. Theft [ ]
    d. Hacking [ ]
    e. Arson [ ]
    f. Shorty investigation [ ]
    g. Incomplete files [ ]
    h. Other, please specify (……..)
8. What procedures do you follow if you have to request for records or return records to the records unit?
9. What measures are put in place to control/curb the movement of prosecution files among authorised users?

10. Do you have any formal records management training and skills to enable you to effectively and efficiently manage the records in your custody? If yes, briefly comment on your level of training, skills and competencies.
    a) On-job training [ ]
    b) Workshops trainings [ ]
    c) Institution training [ ]
    d) Diploma [ ]
    e) Degree [ ]
    f) Masters [ ]
    g) Others, please specify (……)
11. What challenges do you experience in managing prosecution records under your custody?
12. What are some of the strategies that you would suggest to be addressed in order to improve the handling of the prosecution records to enhance effective service delivery to the public?

THANK YOU FOR YOUR TIME.

Appendix 4: Interview Schedule for Prosecution Counsels

SECTION A: Background Information of the Respondents

1. Gender (Tick one only) [ ] Male [ ] Female
2. Designation _____
3. What's your highest level of education?
   Certificate [ ] Diploma [ ] Bachelor's [ ] Post-Graduate [ ]
   Masters [ ]
4. What is your area of specialization in 3 above? ……..
5. Work experience (Tick one only)
   1-5 yrs [ ] 6-10yrs [ ] 11-15yrs [ ] 16yrs and above [ ]

SECTION B:

Management of prosecution records

1. What is the core mandate of ODPP?
2. What are your specific duties and responsibilities at ODPP?
3. What types of records do you need to prosecute a case successfully?
4. What value does ODPP attach to prosecution records?
5. What documents does a typical prosecution file contain?
   a. Occurrence Book (OB) [ ]
   b. Investigation Report [ ]
   c. Correspondence [ ]
   d. Other, please specify (……..)
6. What are the risks that may arise if the prosecution records are not adequately safeguarded?
   a. Misplacement [ ]
   b. Misfiling [ ]
   c. Theft [ ]
   d. Hacking [ ]
   e. Arson [ ]

f. Shorty investigation [ ]
g. Incomplete files [ ]
h. Other, please specify (……..)

7. What mitigation measures are undertaken by ODPP to counter the above risks?
8. In what sense are prosecution records considered evidence?
9. How important is this evidence in determining the outcome of a case?
10. How do you ensure that the evidence gathered from the major stakeholders holds sufficient integrity?
11. What happens if a prosecution file is detected or found to be incomplete?
12. What common challenges associated with records do you face when prosecuting cases?
13. What strategies have been put in place to enhance the management of prosecution records at ODPP?
14. What top management support is accorded to management of prosecution records?
15. What policies and procedures are in place to support the management of prosecution records?
16. Has the Directorate automated its prosecution records?

    Yes [ ] No [ ] Not Sure [ ]
17. If not, what plans are there to automate its prosecution records?
18. To what extent has ICT been applied to manage prosecution records in your office?
19. How many records management professionals does the office have in handling prosecution records?
20. What changes would you recommend towards the strengthening of records management in a bid to enhance effective prosecution process?

THANK YOU FOR TAKING YOUR TIME.

Appendix 5: Observation Check List

Observation Target	Observation Criteria	Remarks
Workflows of the prosecution process/Records workflows	✓ How are the prosecution records handled in the registry? ✓ Are the prosecution records centralized or decentralized in the office? ✓ Who are the main users of the records? ✓ Is there retention and disposal schedule to manage prosecution records? ✓ How long does it take to retrieve records to the action officers? ✓ What is the condition of records in the registry?	
Records Infrastructure	✓ Does the office have policies, standards and procedures to manage prosecution records? ✓ How are records classified for easy retrieval? ✓ Has the office adopted ICT in its operations? ✓ Are there security measures put in place to secure records from destruction or unauthorized access?	

Records resources	✓ What is the physical layout of the registries in the office? ✓ Are there adequate records equipment's in the registries to support prosecution cases? ✓ Apart from registry, what other storage areas exist for records?	
Service delivery	✓ How are the members of the public handled? ✓ How does the office handle complaints from the members of the public and records users in relation to prosecution cases? ✓ How do records staffs interact with its users and other stakeholders?	

Appendix 6: Files Congestion in one of the Registries

Appendix 7: Good Records Storage in the Central Registry

Appendix 8: Preservation Section

Appendix 9: Introductory Letter from School of Information Science, Moi University

MOI UNIVERSITY
SCHOOL OF INFORMATION SCIENCES
DEPARTMENT OF LIBRARY, RECORDS MANAGEMENT AND INFORMATION STUDIES

Tel: (053) 43231
Fax No. (053) 43292
Telex NO: 35047 MOIVASITY
E-Mail: hodlis@mu.ac.ke OR deanis@mu.ac.ke

P. O. Box 3900
Eldoret
Kenya.

Our Ref: IS/MSC/RAM/01/16

25th February, 2020

The Executive Secretary,
Kenya National Council of Science and Technology,
P. O. Box 30623,
NAIROBI.

Dear Sir,

RE: KIPKEBUT SILVANO KIBOIWO – IS/MSC/RAM/01/16

The above named is a Master of Science student in the Department of Library, Records Management and Information Studies, School of Information Sciences, Moi University.

Mr. Kipkebut is intending to carry out research work entitled ***"Management of Records in Support of Prosecution of Cases by the Office of the Director of Public Prosecutions, Kenya".***

We are kindly requesting you to issue him with a research permit to enable him proceed with his research.

Thank you.

Yours sincerely,

HEAD, DEPARTMENT OF LIBRARY, RECORDS MANAGEMENT AND INFORMATION STUDIES
MOI UNIVERSITY
DATE 25/02/2020

DR. ELSEBAH MASEH
SENIOR LECTURER AND HEAD,
DEPARTMENT OF LIBRARY, RECORDS MANAGEMENT & INF. STUDIES

EM/mn

9001:2015 Certified Institution)

Appendix 10: Research License from NACOSTI

REPUBLIC OF KENYA

NATIONAL COMMISSION FOR SCIENCE,TECHNOLOGY & INNOVATION

Ref No: **282031**

Date of Issue: **23/May/2020**

RESEARCH LICENSE

This is to Certify that Mr.. Silvano Kiboiwo Kipkebut of Moi University, has been licensed to conduct research in Nairobi on the topic: Management of records in support of prosecution of cases by the Office of the Director of Public Prosecutions in Kenya for the period ending : 23/May/2021.

License No: **NACOSTI/P/20/4936**

282031

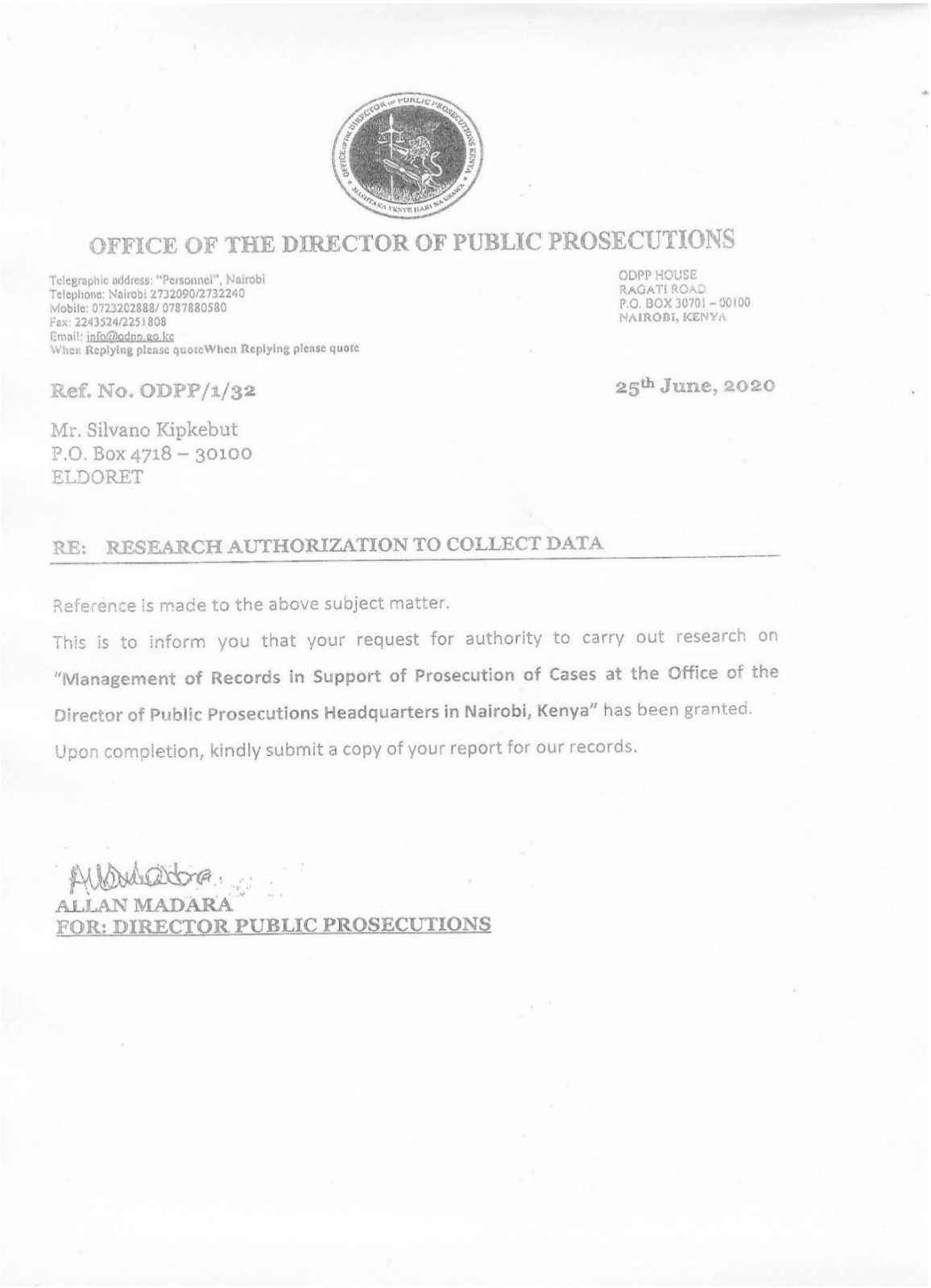
Applicant Identification Number

Director General
NATIONAL COMMISSION FOR SCIENCE,TECHNOLOGY & INNOVATION

Verification QR Code

NOTE: This is a computer generated License. To verify the authenticity of this document, Scan the QR Code using QR scanner application.

Appendix 11: Authorization Letter from ODPP



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Telegraphic address: "Personnel", Nairobi
Telephone: Nairobi 2732090/2732240
Mobile: 0723202888/ 0787880580
Fax: 2243524/2251808
Email: info@odpp.go.ke
When Replying please quoteWhen Replying please quote

ODPP HOUSE
RAGATI ROAD
P.O. BOX 30701 – 00100
NAIROBI, KENYA

Ref. No. ODPP/1/32

25th June, 2020

Mr. Silvano Kipkebut
P.O. Box 4718 – 30100
ELDORET

RE: RESEARCH AUTHORIZATION TO COLLECT DATA

Reference is made to the above subject matter.

This is to inform you that your request for authority to carry out research on "**Management of Records in Support of Prosecution of Cases at the Office of the Director of Public Prosecutions Headquarters in Nairobi, Kenya**" has been granted.

Upon completion, kindly submit a copy of your report for our records.

ALLAN MADARA
FOR: DIRECTOR PUBLIC PROSECUTIONS

Appendix 12: Plagiarism Awareness Certificate

SR592

ISO 9001:2019 Certified Institution

THESIS WRITING COURSE

PLAGIARISM AWARENESS CERTIFICATE

This certificate is awarded to

SILVANO KIPKEBUT

IS/MSC/RAM/01/16

In recognition for passing the University's plagiarism

Awareness test for Thesis **entitled**: **MANAGEMENT OF RECORDS IN SUPPORT OF PROSECUTION OF CASES AT THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS HEADQUARTERS IN NAIROBI, KENYA** with similarity index of 7% and striving to maintain academic integrity.

Word count:42905

Awarded by

Prof. Anne Syomwene Kisilu
CERM-ESA Project Leader Date: 18/07/2024