



2020-2021 ANNUAL REPORT



21ST CENTURY
PROSECUTION SERVICE

TRANSMITTAL

HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS,
NAIROBI.

| | |
|---|---|
|  THE NATIONAL ASSEMBLY PAPERS LAYD | |
| DATE: 10 MAY 2022 | |
| DAY: TUESDAY | |
| TABLED BY: | MAJORITY LEADER |
| CLERK-AT-THE-TABLE: |  |

RE: CONSOLIDATED ANNUAL REPORT FOR THE FINANCIAL YEARS
2017/2018, 2018/2019, AND 2019/2020

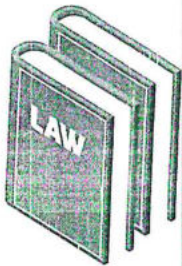
Pursuant to Section 7(1) of the ODPP Act 2013, I have the honour to formally present the ODPP Consolidated Annual Report covering the Financial Years 2017/2018, 2018/2019, and 2019/2020.

This Report highlights the performance and overall fulfillment of the object and purpose of the Office under the Constitution, the ODPP Act and any other written law.

Please accept the assurances of my highest esteem.



Noordin M. Haji CBS, OGW
Director of Public Prosecutions



**This Report is presented to the President
and to Parliament pursuant to Section 7
of the ODPP Act, 2013**

MANDATE



To exercise State powers
of prosecution

VISION



A just, fair, independent and
responsive prosecution service

MISSION



To provide an impartial,
effective and efficient
prosecution service to all

CLARION
CALL

Mashtaka Yenye Haki na Usawa

© COPYRIGHT: ODPP KENYA, 2022

As we move to the future, the Office has set its sights on the complete digitisation of its processes, in tandem with advancements made in technology.

It is with great pleasure and honour that I present the Office of the Director of Public Prosecutions' Annual Report for the Financial Year 2020/2021 to His Excellency, the President and Parliament.

This Report highlights the performance and progress of the Office in the execution of its mandate. The performance is anchored in the ODPP Excellence Charter 2020-2023. The Excellence Charter seeks to transform the Office into a 21st Century Prosecution Service which is guided by set principles geared towards being responsive to the needs of the public through: implementation of alternatives to justice, promotion of restorative justice, change in office culture, creation of effective conviction review, fostering innovativeness, upholding police accountability among others.

The Excellence Charter outlines six strategic commitments: Independence and Integrity; Lifelong Learning; Reshaping Prosecutions; Leadership; Organisational Effectiveness and Inter-agency Network. This, in turn, has informed our decision to adopt the theme **"A 21st Century Prosecution Service"**.

The Office has operationalised the Inspectorate and Quality Assurance Department and adopted policies and guidelines whose objective is to bolster the Office's independence and ensure integrity in its processes and operations.

Under lifelong learning, the ODPP aims to increase its officers' capacity to deliver to their optimum. In this regard, the Office has collaborated with various strategic partners to provide specialised training for officers in different thematic areas. Additionally, the Prosecution Training Institute (PTI) has contributed to the realisation of this commitment by providing relevant training programmes for staff.

The ODPP envisions a Legal Practice Centre that will facilitate its commitment to reshaping prosecutions. Towards this, the Office has initiated the construction of a Moot Courthouse that will host activities and trainings to build the capacity of the prosecutorial advocacy skills. In addition, the Office developed and adopted a design thinking curriculum to be incorporated into the *Diploma in Public Prosecutions*; a one-year Diploma program being offered at the PTI. This is in fulfilment of the Office's pledge to deliver quality prosecution services as encompassed in the Excellence Charter.

In order to enhance our organisational effectiveness, the Office operationalised the Office of Change Management. This office will implement the change initiatives within the Office and strengthen service delivery by ODPP staff. The Office has further improved its structure by adopting a flexible and responsive organisational structure

which is focused on the delivery of quality prosecution services.

The Office recognises that it is not a solitary actor in the delivery on its mandate and therefore, has developed a Stakeholder Engagement Strategy whose objective is to enhance the ODDP's stakeholder engagement which will better coordination and maximise benefits from these engagements.

The fight against corruption continues to be a priority area for the Office. This is out of the cognisance of the fact that corruption remains a most destructive vice in our society which threatens the wellbeing of our Nation. The Office remains committed to the course and calls upon our stakeholders to join us in this fight.

As we move to the future, the Office has set its sights on the complete digitisation of its processes, in tandem with advancements made in technology. We thus imagine a future where the Office will incorporate artificial intelligence and blockchain technology into our processes. We envision a future where we fully integrate the use of crime mapping, so that we may be able to forecast crime incidences and patterns. This will help us allocate resources more effectively and, among other things, effective decision making and policy formulation.

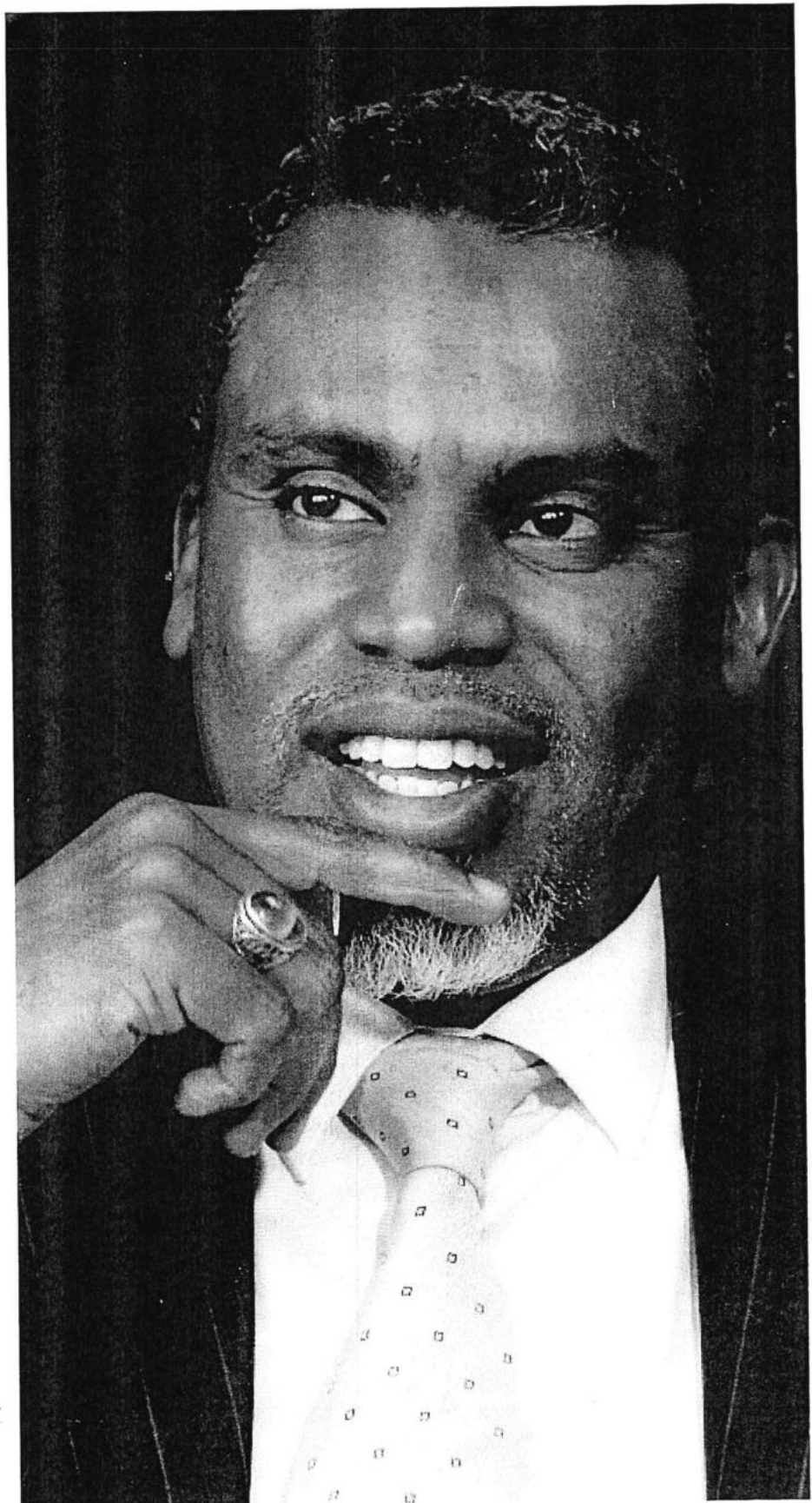
Cognisant of the importance of environmental protection towards Sustainable development, the office has placed environmental consciousness at the heart of our operations. The Office is developing an environmental curriculum that will guide prosecution of environmental crimes and has carried out sensitisation on the subject.

“We envision a future where we fully integrate the use of crime mapping, so that we may be able to forecast crime incidences and patterns.”

Additionally, we have reviewed the Rapid Reference Guide on Wildlife Crimes. As an institution, we seek to lead as an example. Internally, we seek to embrace environmentally sound practices to reduce use of paper, plastic, and derive energy from alternative sources such as solar.

To conclude, I wish to note that the Financial Year 2020/2021 marked the 10th Anniversary of the Office in service as an independent institution. We are truly grateful for the support accorded to us by the Government of Kenya, our partners and the stakeholders in the criminal justice sector. We are grateful to the *Mwananchi* for their unwavering support and confidence in our services.

NOORDIN M. HAJI, CBS, OGW
DIRECTOR OF PUBLIC PROSECUTIONS



Acknowledgement by SPP



During the reporting period, the Office continued to make significant strides towards the fulfilment of its mandate, as guided by the Excellence Charter 2020-2023, through the six strategic commitments of: Independence and Integrity; Lifelong Learning; Reshaping Prosecutions; Leadership; Organisational Effectiveness; and Inter-agency Networks. These significant strides were due to the support that we have received, over the years, from the Government of Kenya, Development Partners and other stakeholders.

The ODPP Advisory Board has also played a vital role when it comes to recruitment, promotions and discipline

of staff. We are thankful for the Board's continued guidance.

We are grateful to the entire ODPP family who are at the heart of ODPP operations. It is their dedication to ensuring that the rule of law is upheld that has allowed for these continuous strides towards the fulfilment of our mandate. We thank them for their professionalism, sacrifice and commitment towards transforming the ODPP into a 21st century prosecution service that meets the expectations of the public.

DORCAS ODUOR, EBS, OGW, SC
SECRETARY, PUBLIC PROSECUTIONS

**“We are grateful
to the entire ODPP
family who are
the heart of ODPP
operations.”**

Executive Office of the DPP



Statement from the Chief of Staff

The Executive Office of the DPP, headed by the Chief of Staff, oversees the day-to-day operations of the ODPP.

The Executive Office has ensured that the Office continues to bring justice closer to Kenyans through the improvement of the Office's internal and external processes and mechanisms. In addition, the Executive Office has also been able to foster an environment that encourages teamwork, research, creativity and innovation, especially through adoption of opportunities presented by technology.

The Executive Office plays a key role in facilitating suitable work environment for all ODPP staff through adoption of international standards and best practice. During the reporting period, the office spearheaded the development and implementation of the Uadilifu Case Management System. This was in tandem with the rolling out of Central Case intake

of cases in the Nairobi region which was also led by the Executive office. The office also enhanced public communications through initiatives like the ODPP Café.

Finally, I would like to thank members of my team at the Executive Office for their professionalism, resilience and commitment to service. I would also like to thank the team that ensured the compilation of this report came to fruition: Gladys Kariuki, Angela Okallo, Winnie Kabinga, Trevor Chunga, Timothy Ochieng', Gerald Owuor, John Njue, Stella Nkatha, Idris Maalim, Mohamed Chute, Laila Daya, Christine Khakayi, Nelson Mwangi, Samita Mang'oli, Musa Sere, Irene Maina and Emily Kiu.

LILIAN OBUO, OGW

CHIEF OF STAFF

“The Executive Office has ensured that the Office continues to bring justice closer to Kenyans through the improvement of the Office's internal and external processes and mechanisms.”

Department of Central Facilitation Services



The Central Facilitation Services Department has eight support divisions namely; Human Resource Management, Administration, Finance, Accounts, ICT, Supply Chain Management, Planning and Records & Registry management. The functions of the department include initiating, developing and implementing Central facilitation policies, procedures and strategies. The focus of the Department is coordination and facilitation for efficient delivery of the ODPP Mandate.

In the year under review, the department effectively ensured the continuous recruitment, promotion and rationalisation of staff. There were also a number of projects initiated at the Prosecution Training Institute, expansion in vehicular fleet, ICT coverage and upgrade; and better office working environment through provision of equipment. The department further assured an increment in budgetary allocation for the Office through effective participation and negotiation in the budget sector working groups.

We commend all staff for their commitment and dedication that enabled the realisation of a successful year.

The department will continue to provide efficient facilitation and support that will ensure seamless operations within the ODPP to ensure the achievement of the Excellence Charter.

ASHID KHATOR,

DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS

Department of Conventional and Related Crimes



The Department is charged with the mandate of prosecuting Offences against the person and other penal code Offences, supervision of prosecutions in respect of Offences against the person and public order by county prosecution offices and ensuring that the county offices adhere to policies and guidelines. The department has 8 divisions to ensure effective prosecutions these include the Supreme Court and appeals division, Homicide division, Children division, Civil Rights division, Sexual and Gender Based Violence division, Hate Speech and Election Justice division. These divisions have specialised Prosecution Counsel in the respective thematic areas who handle complex prosecutions and advice the Department on strategies, policies and legal issues/Emerging on the thematic areas of prosecution.

The Department has developed several policies, among other strategies, to guide Prosecutors in execution of their mandate; The Diversion Policy and Guidelines, The plea bargain Guidelines, The Prosecutor's Guide to handling Children in the Criminal Justice System, The Standard Operating Procedures and Rapid Reference Guide on prosecution of FGM cases, Case Digest and Rapid Reference Guide on Wildlife Cases, Practice Directions on Right to Privacy for Children and Legal Representation for Subjects.

As a Corporate Social Responsibility, the Department coordinates a mentorship program for boys held at the Youth Correctional and Training Centre (YCTC) on behalf of the ODPP which is keen on positive social impact of Children the Office works with.

JACINTA NYAMOSI, OGW

AG. DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS

Department of Economic Organised and International Crimes



The Department of Economic, Organised and International Crimes is a specialized Department within the ODPP that is mandated to prosecute cases relating to economic, International and emerging crimes such as corruption, bribery, money laundering, tax evasion, cyber-crime, fraud, trade in small arms and trafficking in persons among other offences.

The Department has several thematic divisions namely: Anti-Corruption and Economic Crimes Division, Banking and Financial Crimes Division, Land Environment and related Crimes Division, International and the Transnational and Organised Crimes Division.

The Department has deployed several strategies in handling the ever evolving and complex crimes. These include but are not limited to asset recovery, witness support, implementation of plea bargaining rules, appointment of special prosecutors, capacity building of officers in thematic areas, prosecution led investigations and multi-agency collaboration.

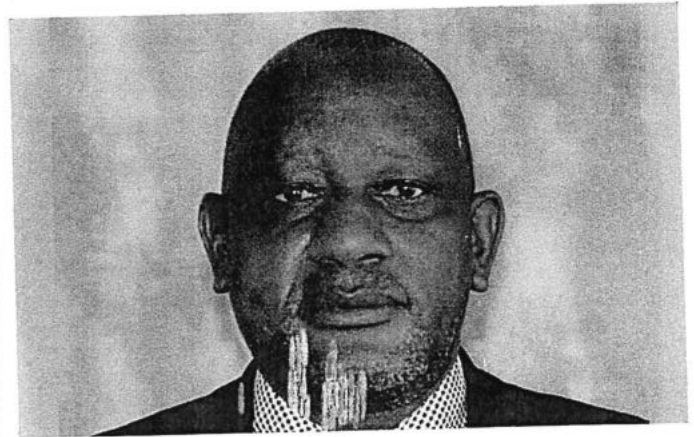
In the year under review, the Office continued to realize a steady increase in the conviction rate in Economic Crimes cases. The Office also prosecuted high impact cases involving state officers and senior public officers. Adoption of alternatives to prosecution have also expedited the trial process.

I take pride in the selfless ODPP staff whose hard work, zeal, and determination have seen it attaining great strides in prosecution of corruption and complex crimes cases. In the same vein, I encourage the public to actively participate in the war against graft as this is a collective responsibility.

EMILY KAMAU, OGW

DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS

Department of County Affairs and Prosecution Services



The Department of County Affairs and Prosecution Services is mandated to Coordinate and Supervise the 9 regional offices, the 47 county offices including their respective sub counties and the divisions within the department, which are the County Prosecution Services Division; the Delegated Prosecution Division; and the Internal Liaison Division.

The functions of the Department include:

- i) Supervising the handling of prosecutions in the Counties and ensuring that these offices adhere to approved policies and guidelines;
- ii) Advising Government Ministries, Departments and other Agencies on matters relating to county affairs that relate to the Office of the Director of Public Prosecutions;
- iii) Coordinating research and making recommendations on the status and quality of laws relating to general and regulatory offences;
- iv) Coordinating the preparation of periodic reports on the affairs of the department, divisions, regional and county offices;
- v) Advising on policies, guidelines and strategies for county affairs and delegated prosecutions;
- vi) Supporting delegated prosecutions and ensuring quality assurance;
- vii) Supervising the implementation of staff performance management;
- viii) Handling of complaints and compliments;
- ix) Promoting collaboration and partnership with stakeholders; and
- x) Coordination of regional affairs.

VICTOR MULE, OGW

DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS

Prosecution Training Institute



Great organisations exist because of great people. In the Office of the Director of Public Prosecutions (ODPP), helping all staff to reach their potential is the central role of the Prosecution Training Institute (PTI).

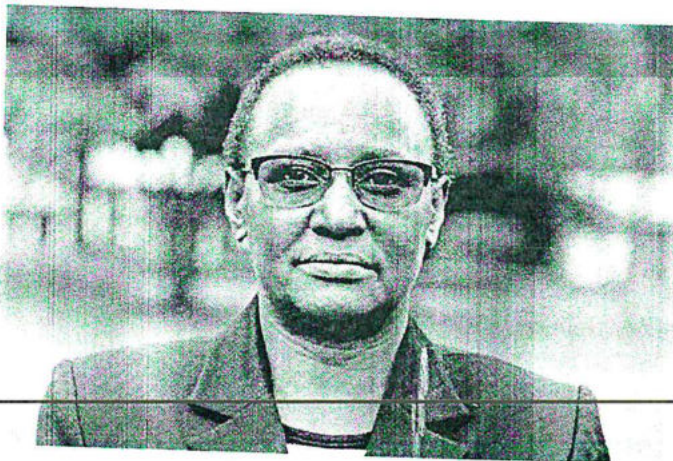
The PTI staff commit themselves to developing the knowledge, skills, and abilities of staff that will ensure the ODPP achieves its strategic goals and objectives through the *Life-Long Learning commitment* of the organisation's *Excellence Charter*. As one of the departments in the office, the PTI is designed to realize its enormous role through its four divisions, namely: Training, Human Resource Development, Research and Law Reform and Resource Centre Divisions.

As the ODPP works towards offering professional prosecution services, per its constitutional mandate, the PTI celebrates the milestone of having launched its one-year diploma curriculum with training content for both prosecutors and central facilitation staff. The PTI's focus will be; imparting the requisite skills for a 21st century prosecutor to respond to new and emerging crimes, maintenance of appropriate professional boundaries, personal limits, ethics and accountability by ODPP staff to policies, standards and guidelines issued by the DPP and imparting effective leadership qualities and skills for delivering the prosecution mandate.

ODAH OGOMA,

G. DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS

Department of Inspectorate & Quality Assurance



The Inspectorate and Quality Assurance Department was operationalised during the reporting period, FY 2020/2021. The department has been facilitated and staff deployed to the three divisions, which are mandated to deal with specific issues that are key to ensuring that The Independence of the office is upheld with utmost integrity. These are : -

1. Inspectorate and Quality Assurance Division:

The purpose of this division is to establish an effective system of assessing and inspecting ODPP operations to ensure timeliness, quality and effective prosecution services are offered to all.

2. Internal Compliance and Ethics Division:

This Division investigates any complaint alleging ethical or professional misconduct by ODPP staff. This is done through conducting of investigations to establish the allegations as reported.

3. Complaints and compliments Division:

The division continues to receive and deal with complaints received at the Office. In dealing with the complaints, the division liaises with the relevant departments to ensure quality that they are handled with utmost professionalism, especially on thematic areas.

I thank the ODPP staff for being supportive in the operationalisation phase of the Department and pray that they continue with the team spirit to enhance quality of service delivery as they deliver on the Office's mandate.

GRACE MURUNGI, OGW

AG. DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS

STATEMENTS BY THE REGIONAL DIRECTORS


**Statement by Nyanza
Regional Head**

The office was engaged in civic education to public and prison visits, to sensitise them, among other things, on plea bargain and diversion policies. This has helped in the criminal justice system initiative in decongesting the system and allowing for access to justice. The office made a remarkable uptake in use of technology at the office and court proceedings.

I take this chance to laud staff from the Nyanza region for their cooperation and unwavering support to the management in ensuring that justice is served.

SEBASTIAN MUTINDA,
SENIOR ASSISTANT DIRECTOR OF
PUBLIC PROSECUTIONS


**Statement by North Eastern
Regional Head**

The North Eastern Regional office managed to perform well despite the challenges brought by Covid-19 pandemic. The staff were able to quickly adapt to the virtual court proceedings and deliver on the Office's core mandate. During the reporting period, the office carried out outreach programs and sensitised the community on Gender based violence and related practices, specifically the FGM practice. The office also in being proactive is preparing for the general election period given the cyclic challenges that this presents to the society.

I would like to appreciate staff working under me for the support, resilience and willingness to go beyond the call of duty in serving the public.

CHARLES ORINDA,
SENIOR ASSISTANT DIRECTOR OF
PUBLIC PROSECUTIONS


**Statement by Rift Valley
Regional Head**

The Rift Valley office is in charge of the North and South Rift engaged in activities that are geared towards entrenching the ODPP's clarion call 'Mashtaka yenye Haki na Usawa'. The office sensitised the public and stakeholders in Plea Bargain and Diversion policies through CUCs, workshops and radio talk shows. The office further engaged in an Alternatives to Justice System benchmarking exercise with the aim of understanding the processes better and utilise them in restorative justice and application of the diversion policy.

The office continues to re-affirm its commitment to the delivery of ODPP's mandate and enhancing access justice to all.

ALLOYS KEMO,
SENIOR ASSISTANT DIRECTOR OF
PUBLIC PROSECUTIONS



Statement by Western Regional Head

The office improved on its use of technology, in tandem with the Office's goal to establish itself as a model prosecution Office. The office is committed to fostering lifelong learning through a mentorship structure where junior counsel are paired up with senior experienced counsel to facilitate skill building. The office further carried out community sensitisation programs on the various policies within the office amongst which are the plea bargain and the diversion policies.

I applaud staff of the western region office for their continued support and resilience in ensuring service delivery to the public.

REDAH MWANZA,
SENIOR ASSISTANT DIRECTOR OF
PUBLIC PROSECUTIONS



Statement by Lower Eastern Regional Head

The Lower Eastern regional office achieved great milestones in the delivery of the Office's mandate, by clearing case backlog amongst other targets set in line with the ODPP's Excellence Charter. As the region's coordinator I commend staff working under me for their team spirit and commitment to serving the public which has enhanced the public confidence in our Office.

It is my prayer that the coming year will even be better and that the resilience and unwavering commitment grows for the betterment of the Mwananchi to whom we are called to serve.

DANIEL KARURI,
SENIOR ASSISTANT DIRECTOR OF
PUBLIC PROSECUTIONS

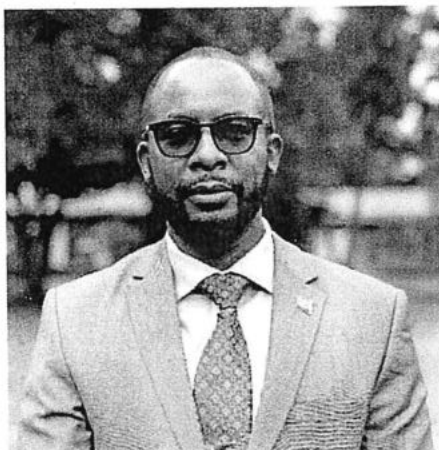


Statement by Coast Regional Head

The office has stepped up its engagement with members of the public, and ensured that these engagements are documented and tracked to ensure quality service delivery. The office has further narrowed down to the pertinent issues prevalent in the region and has been able to make tremendous progress in addressing them, such as sexual offences. This has been possible with the support of the staff working within the region who have fully committed towards delivery of quality prosecution services.

The region appreciates the support of the DPP and commit to work towards the Office's clarion call '*Mashtaka yenye Haki na Usawa.*'

HASSAN ABDI,
SENIOR ASSISTANT DIRECTOR OF
PUBLIC PROSECUTIONS



Statement by Nairobi Regional Head

Nairobi region holds the bulk of the High profile cases, hence the need to be proactive in planning and preparation of prosecution matters. In line with this, the staff within Nairobi region have been taken through continuous learning in complex and emerging crime to equip them with skill and knowledge sufficient to handle their work. The region has also been able to operationalize central case intake which is in line with the Office's objectives towards being the 21st century prosecution service.

I would like to extend my appreciation to staff within the region for their commitment and willingness to offer quality service in the delivery of the Office's mandate. It is my prayer that even as we prepare for the electioneering period, we all continue being the best that we can in our serving the public.

GITONGA RIUNGU,
SENIOR ASSISTANT DIRECTOR OF
PUBLIC PROSECUTIONS



Statement by Central Regional Head

The central region has achieved significant milestones in the reporting period. The management conducted site visits throughout the region and was able to have a comprehensive needs assessment. This enabled enhancement of the capacity within the various stations within the region which has helped in service delivery and clearance of case backlog in court. The region has also implemented the central case intake, at the region's headquarter which has facilitated access to justice to the Mwananchi.

I commend my staff for being self-motivated and resilient in performing their duties. They have ensure proper utilisation of available resources which has in turn ensured efficient service delivery.

CHRISTINE NANJALA,
SENIOR ASSISTANT DIRECTOR OF
PUBLIC PROSECUTIONS

ODPP REGIONAL OFFICE CONTACTS:

Coast Region:

041-2222011

North Eastern Region:

046-2102362

Lower Eastern Region:

068-2231227

Central Region:

061-2030698

South Rift Region:

053 - 8008373

North Rift Region:

053-2031781/053-2060110

Nyanza Region:

057 -2024620

Western Region:

056 - 31049

Nairobi Region:

020-2732090

Executive Summary

This Report covers the period 2020 - 2021 and is submitted to His Excellency the President and Parliament as required by Article 254 of the Constitution of Kenya, 2010 and section 7 of the ODPP Act, 2013.

The Report presents the performance of the ODPP in the execution of its mandate, highlights the achievements, challenges, current status of all its undertakings and the output of the various departments in the ODPP. The report is presented in eight chapters summarised as follows:

Chapter One presents an overview of the Office of the Director of Public Prosecutions as established under Article 157 of the Constitution of Kenya, 2010, its mandate, functions and administrative structure.

Chapter Two Outlines the strategic focus encompassed in the ODPP Excellence Charter 2020 – 2023 which seeks to enhance service delivery by utilizing six strategic commitments namely: Independence & Integrity, Lifelong Learning, Reshaping Prosecutions, Leadership, Organisational Effectiveness and Inter-agency Networks.

Chapter Three gives a statistical overview of the prosecution performance. It provides an analysis of cases handled and highlights caselaw of significant jurisprudential

note. Additionally, the chapter discusses the various thematic areas, conviction, success rates on matters handled and the general processing of cases.

Chapter Four focuses on financial accountability which entails budget allocation and utilisation, analysis of budgetary and financial gaps and the challenges encountered.

Chapter Five discusses the challenges impacting service delivery in the Office and the strategic actions required and/or undertaken to mitigate them.

Chapter Six discusses milestones achieved by the Office during the reporting period. These include: developing new policies & legal frameworks, establishing

a sanatorium, conducting virtual interviews and induction programs, launching the MV ADIL in Lamu, facilitating the PTI development project, increasing engagements with the media and strengthening ICT infrastructure.

Chapter Seven discusses what the future holds for the Office as it continues to establish itself as a progressive 21st Century Prosecution Service.

Chapter Eight depicts a decade of steady growth for the Office by use of a pictorial presentation.

List of Abbreviations

| | |
|----------------|--|
| ACEC | Anti-Corruption and Economic Crimes |
| ACECA | Anti-Corruption and Economic Crimes Act |
| AGA | Attorney General Alliance |
| AGPO | Access to Government Procurement Opportunities |
| AML/CFT | Anti-Money Laundering/Combating the Financing of Terrorism |
| APA | African Association of Prosecutors |
| ARIN-EA | Asset Recovery Inter-Agency Network for Eastern Africa. |
| ARINSA | Asset Recovery Inter-Agency Network of Southern Africa |
| AWF | African Wildlife Foundation |
| BHC | British High Commission |
| CMS | Case Management System |
| CUC | Court Users Committee |
| DCI | Directorate of Criminal Investigations |
| DPP | Director of Public Prosecutions |
| EAAP | East Africa Association of Prosecutors |
| EACC | Ethics and Anti-Corruption Commission |
| EKLR | Electronic Kenya Law Reports |
| ESAAMLG | Eastern and Southern Africa Anti-Money Laundering Group |
| FGM | Female Genital Mutilation |
| FIDA | Federation International De Abogadas (International Federation of Women Lawyers) |
| GIS | Geographic Information Software |
| GIZ | Deutsche Gesellschaft für Internationale Zusammenarbeit (German Agency for International Co-operation) |
| GLJCN | Great Lakes Judicial Cooperation Network |
| HCC | High Court Criminal Case |
| HR | Human Resources |
| IAP | International Association of Prosecutors |
| ICPAK | Institute of Certified Public Accountants of Kenya |

ICT Information and Communications Technology

IJM International Justice Mission

IPOA Independent Police Oversight Authority

JLAC Justice and Legal Affairs Committee

JR Judicial Review

LAN Local Area Network

LWOB Lawyers Without Borders

MATT Multi-Agency Task Team

MoU Memorandum of Understanding

NCAJ National Council on the Administration of Justice

NPS National Police Service

OCM Office of Change Management

ODPP Office of the Director of Public Prosecutions

OHCHR Office of the High Commissioner for Human Rights

PAC Public Accounts Committee

PLEAD Programme for Legal Empowerment and Aid Delivery

PMF Performance Management Framework

PPEP Public Policy Executive Programme

PTI Prosecution Training Institute

TPA Tax Procedures Act, 2015

UNFPA United Nations Population Fund

UNODC United Nations Office on Drugs and Crime

USAID United States Agency for International Development

USDOJ/INL United States Department of Justice

SFG Space for Giants



Contents

1

| | |
|---|----------|
| OVERVIEW OF THE OFFICE | 2 |
| 1.0 Introduction | 3 |
| 1.1 Mandate and Functions of the DPP | 3 |
| 1.2 Functions and Powers of the DPP | 3 |
| 1.3 Accountability and reporting mechanisms of the Office | 5 |
| 1.4 The ODPP Value System | 6 |
| 1.5 Organisational Structure | 7 |
| 1.6 Departments within the ODPP | 9 |
| 1.7 ODPP Regional Offices | 8 |

2

| | |
|---|-----------|
| STRATEGIC FOCUS | 9 |
| 2.0 Introduction | 9 |
| 2.1 COMMITMENT 1: Fostering Institutional Independence and Integrity | 9 |
| 2.1.0 Introduction | 9 |
| 2.1.1 Structural approaches to independence and integrity | 9 |
| 2.1.2 Policy Approaches to independence and integrity | 12 |
| 2.2 COMMITMENT 2: Lifelong Learning | 12 |
| 2.2.0 Introduction | 12 |
| 2.2.1 Training and Capacity building at the PTI | 12 |
| 2.2.2 Infrastructural Development at the PTI | 14 |
| 2.2.3 The PTI Organisational Structure | 15 |
| 2.3: COMMITMENT 3: Reshaping Prosecutions | 16 |
| 2.3.0 Introduction | 16 |
| 2.3.1: Digital Approach to Re-shaping Prosecutions | 16 |
| 2.3.2: Policy Approach to Re-shaping prosecutions | 22 |
| 2.4: COMMITMENT 4: Leadership | 24 |
| 2.4.0 Introduction | 24 |
| 2.5: COMMITMENT 5: ORGANISATIONAL EFFECTIVENESS | 24 |
| 2.5.0 Introduction | 24 |
| 2.5.1 Banding of ODPP Officers | 24 |
| 2.5.2 Establishment of the Office of Change Management (OCM) | 24 |
| 2.5.3: Development of the Performance Management System | 25 |

| | | |
|--------|------------------------------------|----|
| 2.5.4: | Service Delivery Standards | 25 |
| 2.5.5: | The Risk Management Strategy, 2021 | 25 |
| 2.5.6: | Staff Well-being | 25 |

| | | |
|------------|--|-----------|
| 2.6 | COMMITMENT SIX: Inter-Agency Networks | 26 |
| 2.6.0 | Introduction | 26 |
| 2.6.1 | Development of the Stakeholder Engagement Strategy, 2021 | 26 |
| 2.6.2 | Regional and International Cooperation | 28 |
| 2.6.3 | Professional Networks | 28 |

PROSECUTION PERFORMANCE

| | | |
|------------|--|-----------|
| 3.1 | Performance Overview | 30 |
| 3.1.1 | Prosecution Summary Statistics | 31 |
| 3.1.2 | Caseload Analysis | 31 |
| 3.1.3 | Analysis of Trial Cases | 32 |
| 3.1.4 | Analysis of Select Categories of Offences | 37 |
| 3.1.5 | Appeals and Applications | 45 |
| 3.1.6 | Staff Complement | 46 |
| 3.1.7 | Criminal Justice Accountability | 49 |
| 3.2 | Noteworthy Cases | 52 |
| 3.2.1 | State officers' role as Defence Counsel goes against public interest | 52 |
| 3.2.2 | State Officer permanently barred from holding public office | 52 |
| 3.2.3 | Circumstantial evidence in criminal prosecutions | 52 |
| 3.2.4 | Misappropriation of Public Funds | 52 |
| 3.2.5 | Penalties levied under the Tax Procedures Act are not a bar to Prosecution | 53 |
| 3.2.6 | Standard required to be enjoined as an interested party | 53 |
| 3.2.7 | The Anti-FGM Act does not contravene Articles of the Constitution | 53 |
| 3.2.8 | Application of Plea bargaining | 53 |
| 3.2.9 | A plea of guilty must be unequivocal | 54 |
| 3.2.10 | Commission of offences by State Officers during the electioneering period | 54 |
| 3.2.11 | Compensation in criminal cases | 54 |
| 3.2.12 | Dealing in endangered species | 54 |
| 3.2.13 | Protection from domestic violence | 54 |

4

FINANCIALS AT A GLANCE

56

4.0 INTRODUCTION

57

4.1 Recurrent Expenditure

57

4.2 Development Expenditure

57

4.3 Expenditure Economic Classification

58

4.4 Analysis of Expenditure by Programmes

58

4.5 Auditor General's Report

59

4.6 Procurement of goods, services and works

65

5

CHALLENGES AND STRATEGIC ACTIONS

66

5.0 Introduction

67

5.1 The Coronavirus (COVID-19) pandemic

67

5.2 Inadequate ICT infrastructure and operational capacity

67

5.3 Inadequate human resource capacity

67

5.4 Prosecution of complex and emerging crime

67

5.5 Weak inter-agency coordination and collaboration

68

5.6 Legislative gaps in the virtual court processes

68

5.7 Inadequate office infrastructure

68

6

MILESTONES

69

6.0 Introduction

70

6.1 Enhanced Conviction rates

70

6.2. Enhanced Access to Justice by application of Alternatives to Prosecution

70

6.3 Policies & other operational arrangements

70

6.3.1: Oath of Allegiance

70

6.3.2: The Risk Management Strategy, 2021

70

6.3.3: The ODPP Screening Guidelines

70

6.3.4: The Document Tracking Manual

71

6.3.5: Guidelines for the prosecution of Children's matters

71

6.4 Enhanced capacity of the ODPP to deliver on its mandate

71

6.4.1 Establishment of the Office of Change Management

71

6.4.2 Establishment of the moot court at the PTI

71

6.4.3 The Launch of MV ADIL in Lamu

72

6.5 Modernisation of ODPP processes

72

6.5.1 Central Case Intake and E-filing

72

6.5.2 Virtual interviews and induction programs

72

6.5.3 ICT milestones

73

| | | |
|------------|---|-----------|
| 6.6 | Staff Wellbeing | 73 |
| 6.6.1 | Establishment of a Sanatorium | 73 |
| 6.7 | Improved Public Outreach | 74 |
| 6.7.1 | The ODPP Café | 74 |
| 6.8 | Strengthened Partnerships and Collaborations | 75 |
| 6.9 | ODPP Status of Implementation of the Excellence Charter (1st Year) | 75 |
| 6.9.1 | Message from Development Partners | 80 |

7 WHAT THE FUTURE HOLDS **87**

| | | |
|------------|---|-----------|
| 7.0 | Introduction | 88 |
| 7.1 | The environment | 88 |
| 7.2 | Technology | 88 |
| 7.3 | Forecasting of Conviction Rate in Murder Cases | 94 |
| 7.4 | Forecasting of Conviction Rates in Anti-Corruption Cases | 94 |
| 7.5 | Forecasting of Conviction Rate in Overall Criminal Cases | 95 |
| 7.6 | Capacity Building at the PTI | 95 |
| 7.7 | Communications | 95 |
| | 7.7.1 Revision of Communications Strategy | 95 |
| | 7.7.2 Criminal Justice Actors | 96 |
| 7.8 | Emerging Crimes | 96 |

8 A DECADE OF STEADY GROWTH **97**

| | | |
|-------------|---|------------|
| 8.0: | A History of Prosecutions in Kenya (1895-2011) | 98 |
| 8.1: | Legal & Strategic Framework | 101 |
| 8.2: | Prosecution Performance | 103 |
| 8.3: | Conviction Rates, Appeals & Application Success Rate | 103 |
| 8.4: | Proportion of ODPP Budget to the National Budget | 105 |
| 8.5: | Staff Complement and In-Post | 108 |
| 8.6: | Decentralisation of ODPP Services | 108 |

PICTORIALS **110**

List of Tables

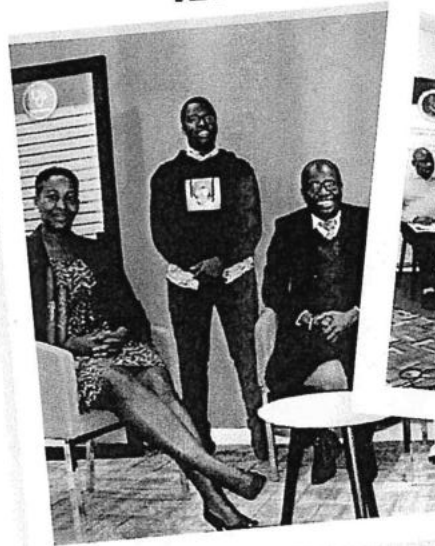
| | | |
|--------------------|---|----|
| Table 2.1: | Group Trainings and Sensitisation | 13 |
| Table 2.2: | Individual Trainings and Sensitisation | 13 |
| Table 2.3: | Staff trained per cadre | 13 |
| Table 2.4: | Staff Trained per Region | 13 |
| Table 2.5: | Engagement of Interns/Pupils per Area of Speciality | 14 |
| Table 2.6: | Cases filed using Uadilifu CMS | 18 |
| Table 3.1: | Trend analysis of matters handled in the last five years | 31 |
| Table 3.2: | Murder Cases Filed between 2016/2017-2020/2021 | 32 |
| Table 3.3: | Murder cases filed per region during FY 2020/2021 | 33 |
| Table 3.4: | Trend in concluded Murder Cases | 33 |
| Table 3.5: | Prevalence of Murder Cases per Region | 34 |
| Table 3.6: | Trial Cases Filed between 2016/2017-2020/2021 | 34 |
| Table 3.7: | Number of cases filed per region | 35 |
| Table 3.8: | Criminal Cases Concluded between 2016/2017-2020/2021 | 36 |
| Table 3.9: | Outcomes of concluded cases at Magistrates' Courts per Region | 37 |
| Table 3.10: | Homicide cases filed during the 2020/2021 reporting period | 37 |
| Table 3.11: | Outcome of concluded homicide cases during the 2020/2021 reporting period | 38 |
| Table 3.12: | Number of sexual offences filed in court during the period 2020/2021 | 39 |
| Table 3.13: | Outcome of concluded sexual related cases | 39 |
| Table 3.14: | Number of Female Genital Mutilation (FGM) cases filed in court during the period 2020/2021 | 40 |
| Table 3.15: | Outcome of concluded FGM cases during the period 2020/2021 | 40 |
| Table 3.16: | Number of cases relating to wildlife offences filed during the period 2020/2021 | 40 |
| Table 3.17: | Outcome of concluded wildlife cases during the 2020/2021 period | 41 |
| Table 3.18: | Number of Incitement to Violence and Hate Speech Cases filed during 2020/2021 | 41 |
| Table 3.19: | Outcome of concluded violence and hate speech cases during 2020/2021 | 41 |
| Table 3.20: | Number of human trafficking and related cases filed during the 2020/2021 reporting period | 42 |
| Table 3.21: | Outcome of concluded human trafficking and related cases during the 2020/2021 reporting period | 42 |
| Table 3.22: | Number of Anti-Corruption and economic Cases filed from 2018 to June 2021 | 42 |
| Table 3.23: | Outcome and conviction rate of concluded anti-corruption and economic cases during the period 2020/2021 | 43 |
| Table 3.24: | Number of offences relating to property filed during the 2020/2021 period | 43 |

| | | |
|------------------|---|-----|
| ble 3.25: | Outcome of concluded offences relating to property during the 2020/2021 period | 44 |
| ble 3.26: | Criminal Cases filed per county at the Magistrate's Court FY 2020/2021 | 44 |
| ble 3.27: | Number of Appeals and Applications handled during the 2020/2021 period | 45 |
| ble 3.28: | Outcome of the concluded appeals and applications | 45 |
| ble 3.29: | Staff In-Post and Establishment between 2016/2017 – 2020/2021 | 46 |
| ble 3.30: | Staff by Highest Level of Education | 48 |
| ble 3.31: | Corruption cases registered in court and amount involved from January 2018 to June 2021 | 50 |
| ble 3.32: | Amounts Involved in cases concluded from 2018 to June 2021 by outcome | 51 |
| ble 3.33: | Amounts Involved in cases pending before court as at 30th June 2021 | 51 |
| <hr/> | | |
| ble 4.1: | Analysis of Budgetary allocation and Expenditure between 2018/2019-2020/2021 | 57 |
| ble 4.2: | Analysis of Recurrent Expenditure between 2018/2019-2020/2021 | 57 |
| ble 4.3: | Analysis of Development Expenditure between 2018/2019-2020/2021 | 57 |
| ble 4.4: | Programme Expenditure by Economic Classification | 58 |
| ble 4.5: | Analysis of Programme Expenditure by Sub Programs | 58 |
| ble 6.1: | Status of implementation of activities to facilitate Independence and Integrity | 75 |
| ble 6.2: | Status of implementation of activities to facilitate Lifelong learning | 76 |
| ble 6.3: | Status of implementation of activities to facilitate Reshaping Prosecutions | 77 |
| ble 6.4: | Status of implementation of activities to facilitate Leadership | 78 |
| ble 6.5: | Status of implementation of activities to facilitate Organisational Effectiveness | 78 |
| ble 6.6: | Status of implementation of activities to facilitate Inter-Agency Networks | 80 |
| ble 8.1: | Overall Caseload | 103 |
| ble 8.2: | ODPP conviction rates, Appeals and Application Success Rate | 103 |
| ble 8.3: | Budgetary Allocation (Ksh Millions) | 104 |
| ble 8.4: | ODPP Stations established over the decade | 105 |
| ble 8.5: | Staff Complement and Post over the decade | 108 |

List of Figures

| | | |
|---------------------|--|----|
| Figure 1.1: | Criminal Justice process | 4 |
| Figure 1.2: | ODPP Core values | 6 |
| Figure 1.3: | ODPP Organogram | 7 |
| Figure 1.4: | Map of ODPP Regional Offices | 8 |
| Figure 2.1: | Decisions taken of complaints received during the 2020/2021 period | 11 |
| Figure 2.2: | Officers Trained per Rank/Cadre | 13 |
| Figure 2.3: | Staff trained per Region | 14 |
| Figure 2.4: | Interns and pupils engaged by gender | 14 |
| Figure 2.5: | PTI Organisational Structure | 15 |
| Figure 2.6: | <i>Uadilifu</i> CMS modules | 16 |
| Figure 2.7: | Cases filed using <i>Uadilifu</i> CMS | 19 |
| Figure 2.8: | Social Media Analytics by Age group | 20 |
| Figure 2.9: | ODPP Café performance on YouTube | 21 |
| Figure 2.10: | Analytics of the ODPPs Facebook engagements by Region | 22 |
| Figure 2.11: | Analytics of ODPP's Facebook engagement by type of content | 22 |
| Figure 3.1 | Illustrates the measure of these key indicators | 31 |
| Figure 3.2: | Trends in murder cases filed between 2016/2017-2020/2021 | 32 |
| Figure 3.3: | Trends in Murder Cases concluded | 33 |
| Figure 3.4: | Trends in Trial Cases Filed | 35 |
| Figure 3.5: | Criminal Cases Concluded between 2016/2017-2020/2021 | 36 |
| Figure 3.6: | Trends in the conviction rates from 2015 to June 2021 | 43 |
| Figure 3.7: | Staff In- Post against Staff Establishment between 2016/2017- 2020/2021 | 46 |
| Figure 3.8: | Staff In- Post by ethnicity 2011/2012 to 2020/2021 | 47 |
| Figure 3.9: | Staff by age bracket between 2016/2017- 2020/2021 | 48 |
| Figure 3.10: | Staff Cadres between 2016/2017- 2020/2021 | 48 |
| Figure 3.11 | Staff by highest level of education | 49 |
| Figure 3.12 | Matters handled relating to criminal justice accountability | 49 |
| Figure 3.12 | Cases registered per category of amounts involved between 2018 and June 2021 | 50 |

| | | |
|--------------------|---|-----|
| Figure 4.1: | Tenders awarded to AGPO and Non-AGPO groups during the year under review | 65 |
| Figure 7.1 | Map representing Crime Incidence Rate: Central Region | 89 |
| Figure 7.2 | Map representing Crime Incidence Rate: Coast Region | 90 |
| Figure 7.3 | Map representing Crime Incidence Rate: Lower Eastern Region | 90 |
| Figure 7.4 | Map representing Crime Incidence Rate: Nairobi Region | 91 |
| Figure 7.5 | Map representing Crime Incidence Rate: North Eastern Region | 91 |
| Figure 7.6 | Map representing Crime Incidence Rate: North Rift Region | 92 |
| Figure 7.7 | Map representing Crime Incidence Rate: South Rift Region | 92 |
| Figure 7.8 | Map representing Crime Incidence Rate: Nyanza Region | 93 |
| Figure 7.9 | Map representing Crime Incidence Rate: Western Region | 93 |
| Figure 7.10 | Forecasting of Conviction Rates for Murder for the years 2021/2022 to 2024/2025 | 94 |
| Figure 7.11 | Forecasting of Conviction Rates in Corruption Cases for the 2021/2022 to 2024/2025 | 94 |
| Figure 7.12 | Forecasting of Conviction rate in Anti-Corruption cases for the FY 2021/2022 to 2024/2025 | 95 |
| Figure 8.1: | Illustration of ODPP Caseload over a decade | 103 |
| Figure 8.2: | Illustration of ODPP conviction rates, Appeals and Application Success Rate | 103 |
| Figure 8.3: | Budgetary Allocation (Kshs Millions) | 104 |
| Figure 8.4 | Proportion of ODPP Budget to the National Budget | 105 |
| Figure 8.5: | ODPP Stations established over the decade | 105 |
| Figure 8.6: | Map of ODPP County Stations | 107 |
| Figure 8.7: | Staff Complement and Post over the decade | 108 |




ODPP CAFÉ

Join us live on Facebook & YouTube every Friday morning at 8am & learn more about ODPP's role in the Criminal Justice System

■ LIKE ■ FOLLOW ■ SUBSCRIBE:

 ODPPKenya

 ODPP_KE

 Office of the Director of Public Prosecutions Kenya

WWW.ODPP.GO.KE



CHAPTER ONE

OVERVIEW OF THE OFFICE

1.0 Introduction

The Office of the Director of Public Prosecutions (ODPP) is established under Article 157 of the Constitution of Kenya. The Office is mandated to exercise State powers of prosecution. It is empowered to institute and undertake criminal proceedings against any person before any court, other than a court martial, in respect of any offence alleged to have been committed.

The ODPP is an independent office and the DPP does not require consent from any person or authority in exercising his powers or functions as stipulated in Article 157 (10) of the Constitution.

The ODPP strives to provide quality, impartial, effective and efficient prosecution services in Kenya. In this regard, the Office has established Offices in all the 47 counties and presence in all the 125 court stations in Kenya with its headquarters in Nairobi City. The ODPP has set-up nine regional offices to provide oversight and co-ordinate prosecution services in the counties.

1.1 Mandate and Functions of the DPP

The mandate of the ODPP, as provided under Article 157 of the constitution of Kenya 2010, is to exercise State powers of prosecution and may:

- Institute and undertake criminal proceedings against any person before any court of law other than the court martial in respect to any offence alleged to have been committed by any person;
- Take over and continue with any criminal proceedings commenced in any court by any person or authority with the permission of the person or authority; and
- Discontinue, at any stage before judgment is delivered, any criminal proceedings with the permission of the court.

Further, the ODPP under Article 157 (6) has powers to direct the Inspector General of the National Police Service

to investigate any information or allegation of criminal conduct and the Inspector General shall comply with any such direction.

1.2 Functions and powers of the DPP include (Section 5(4) of the ODPP Act):

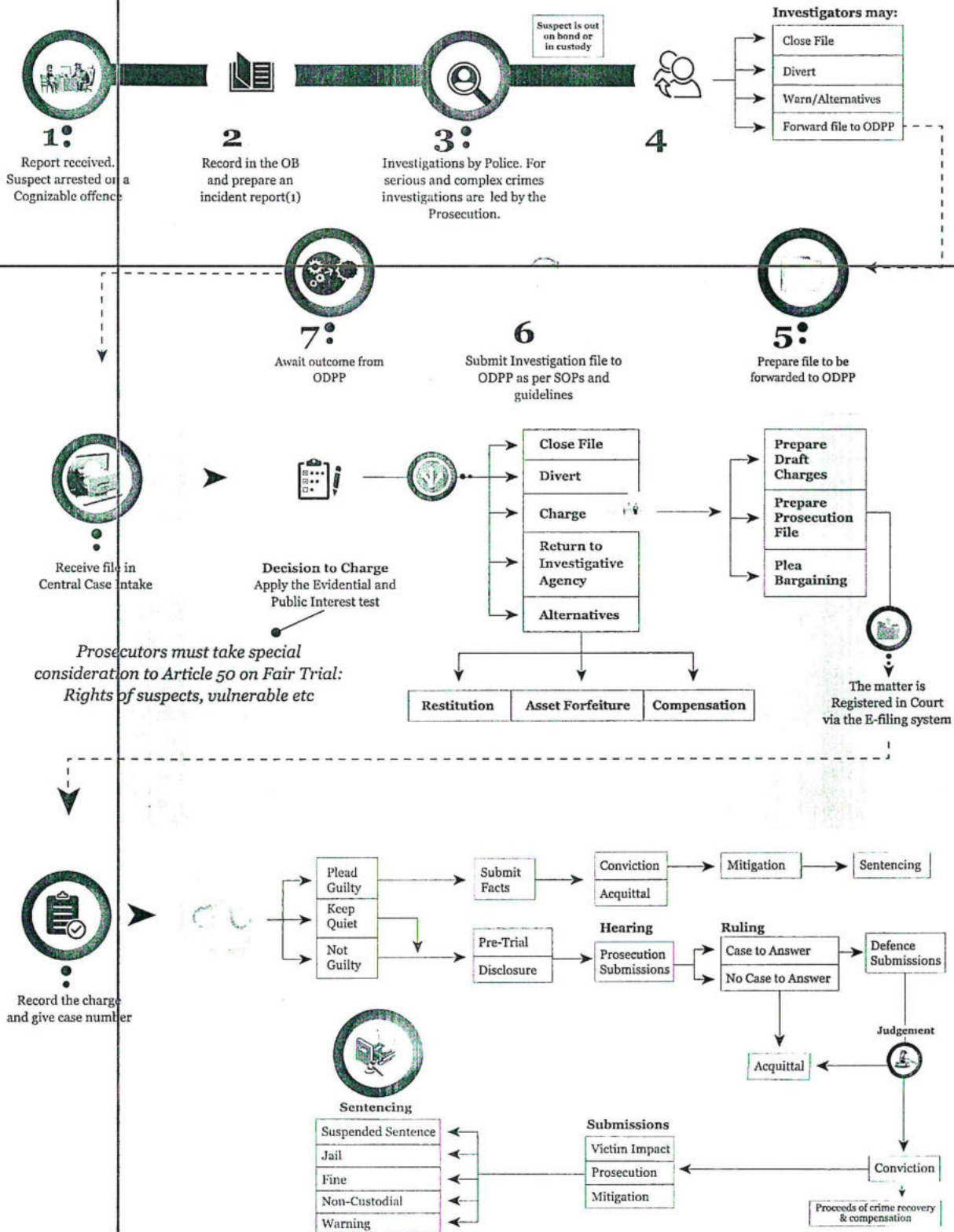
- a. promote appropriate standards of practice by public prosecutors, assistant prosecutors, and any other person exercising prosecutorial authority under this Act;
- b. implement an effective prosecution mechanism so as to maintain the rule of law and contribute to fair and equitable criminal justice and the effective protection of citizens against crime;
- c. cooperate with the National Police Service, investigative agencies, the courts, the legal profession and other Government agencies or institutions so as to ensure the fairness and effectiveness of public prosecutions;
- d. set the qualification for the appointment of prosecutors;
- e. review a decision to prosecute, or not to prosecute, any criminal offence;
- f. advise the State on all matters relating to the administration of criminal justice; and
- g. do all such other things as are necessary or incidental to the performance of its functions under the Constitution, this Act or any other written law.

In ensuring that the Office delivers on its mandate, the DPP has regard to the public interest, the interest of the administration of justice and the need to prevent and avoid abuse of the legal process as enshrined under Article 157 (11) of the Constitution.

Figure 1.1: Criminal Justice process

THE CRIMINAL JUSTICE PROCESS

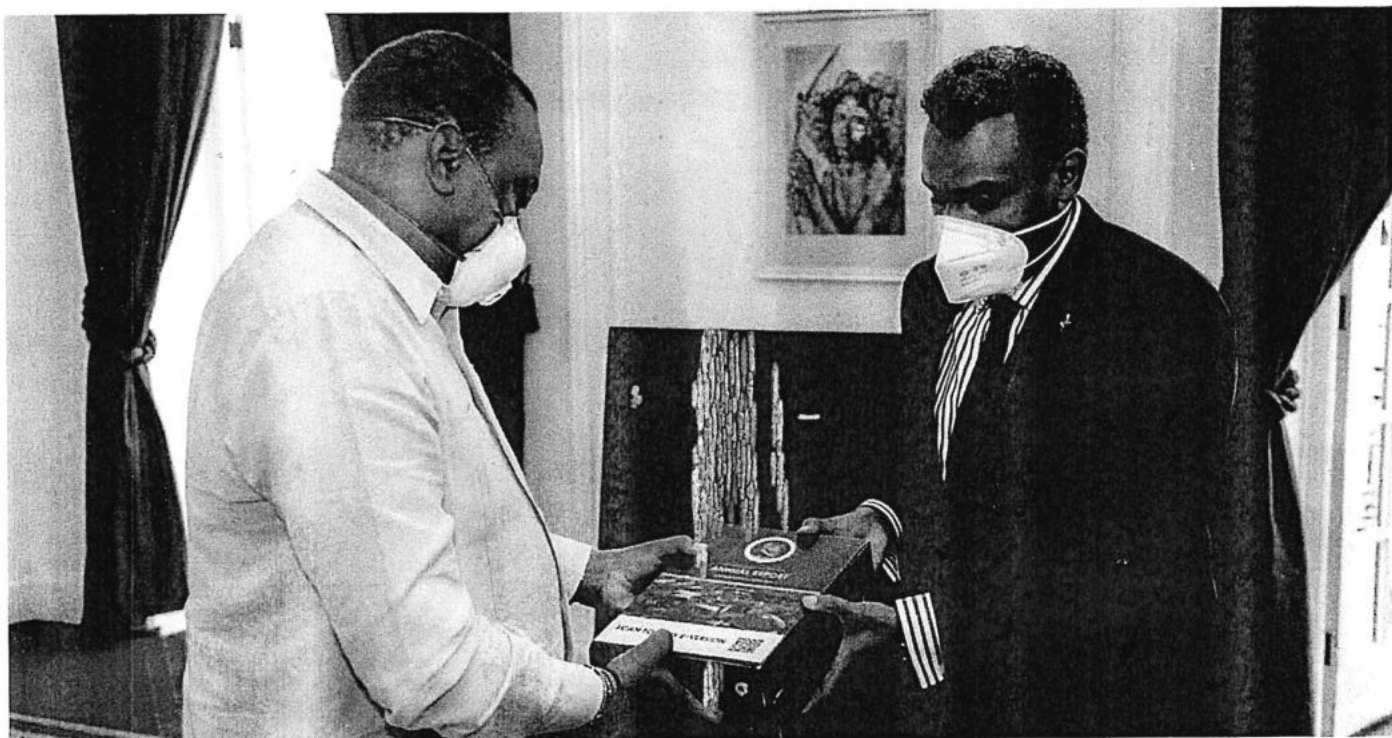
POLICE
ODPP
COURT



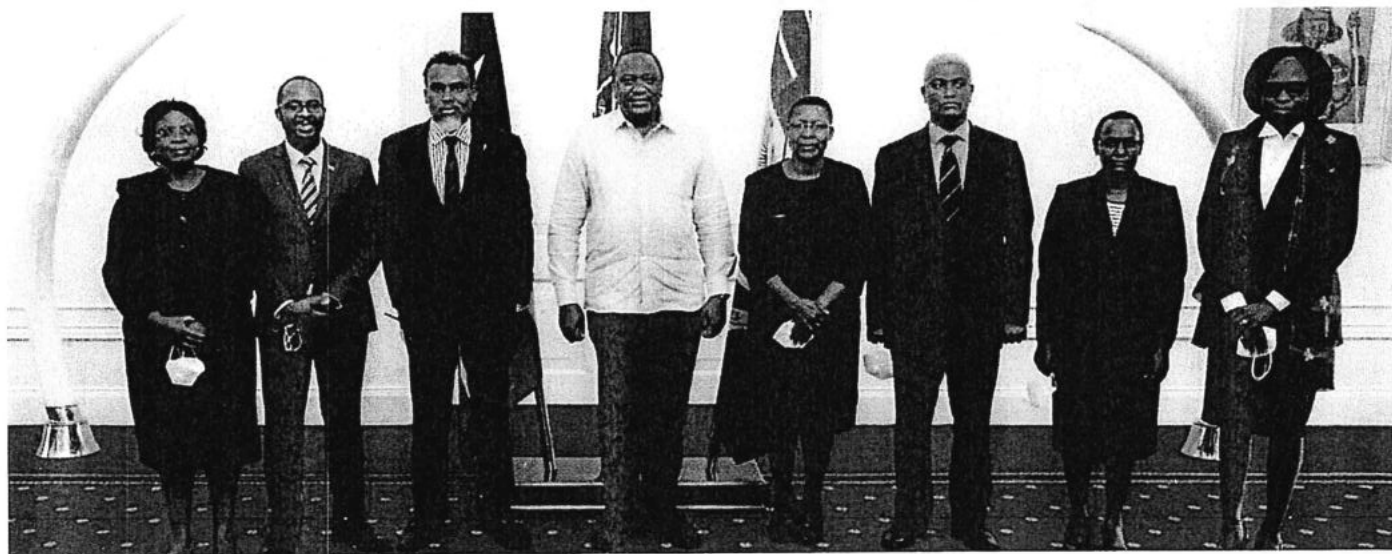
1.3 Accountability and reporting mechanisms of the Office.

The ODPP has a statutory obligation to submit an Annual Report to the President and Parliament under Section 7 of the Office of the Director of Public Prosecutions Act. Contained herein is the Annual Report for the Financial Year 2020/2021 that presents the performance of the

ODPP in the execution of its mandate, highlights its achievements, current status, challenges and strategic actions and the overall progress of transforming the ODPP into a 21st century prosecution service. The Report also gives an overview of the progress of the Office's efforts in digitizing its processes.



His Excellency Uhuru Muigai Kenyatta receives the ODPP Annual Report: 2017-2020 from DPP Noordin Haji at State House, Nairobi.



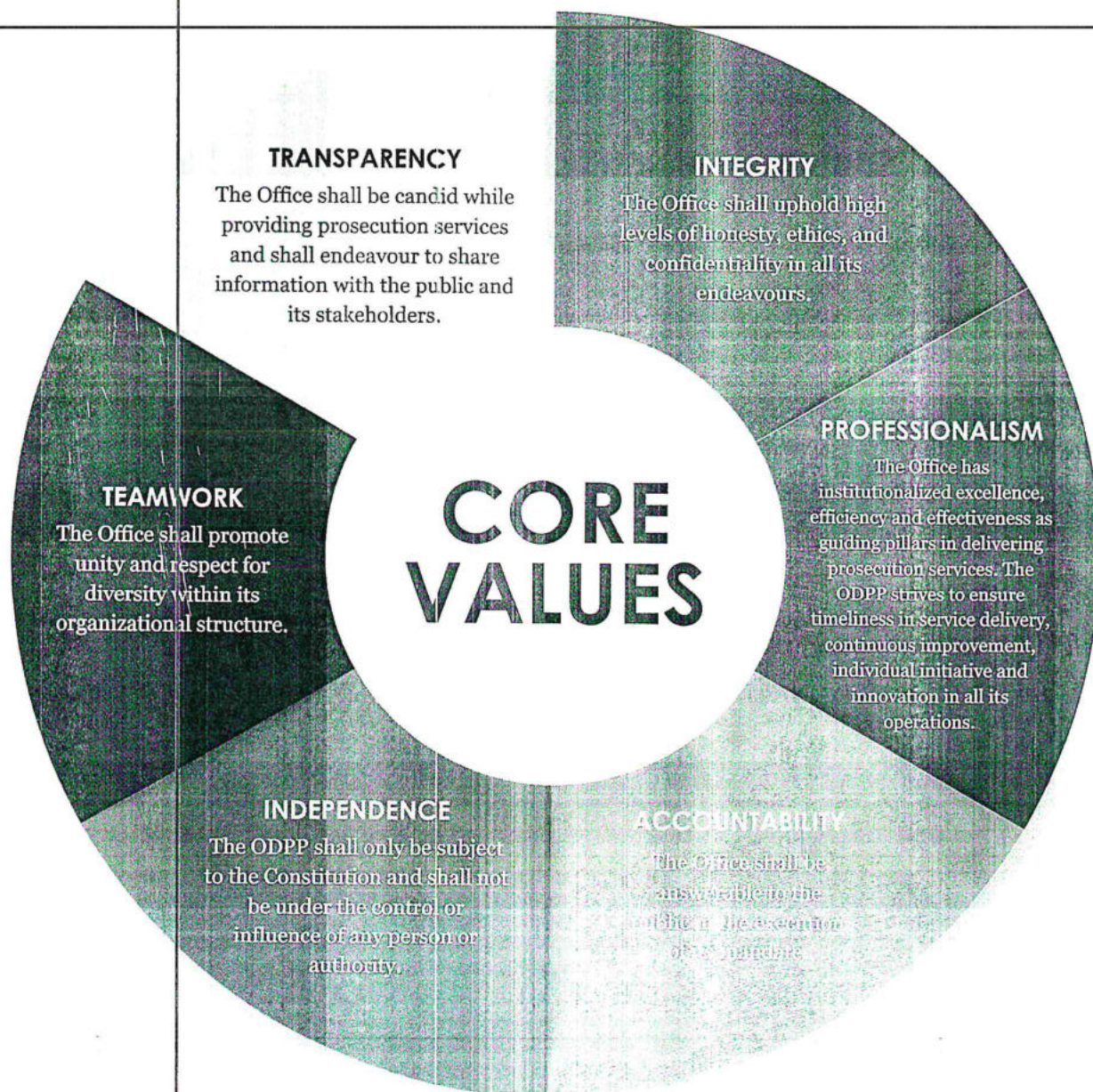
His Excellency Uhuru Muigai Kenyatta with ODPP's Senior Management Team during the presentation of the 2017-2020 Annual Report at the State House, Nairobi.

1.4 The ODPP Value System

The ODPP is guided by the national values of patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized, good governance, integrity, transparency and accountability, sustainable development and the fundamental principles provided under the Constitution.

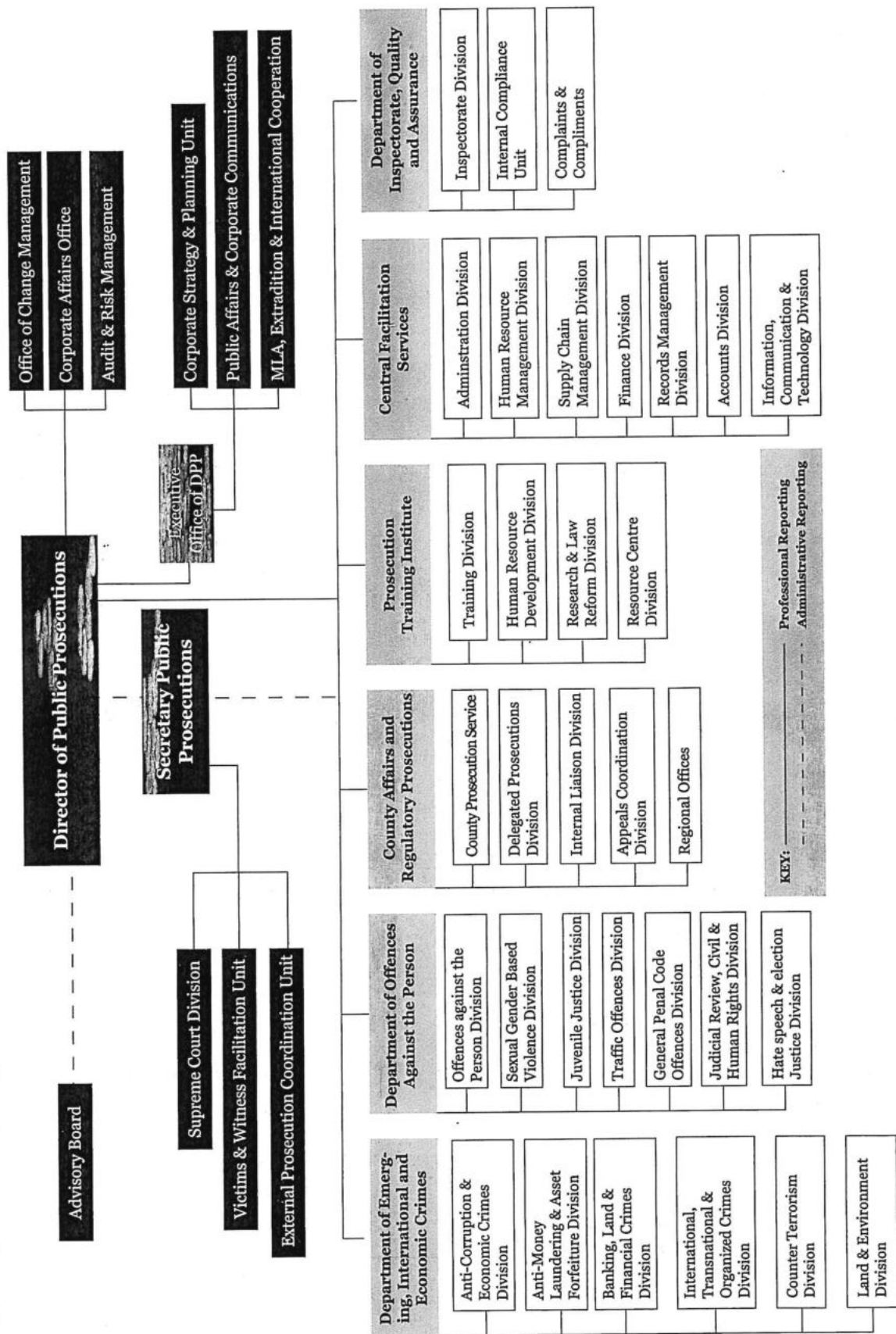
Figure 1.2: ODPP Core values

The ODPP in delivering its mandate is driven by its core values as provided for in the ODPP Excellence Charter (2020-2023).



1.5 Organisational Structure

Figure 1.3: ODPD Organogram



1.6 Departments within the ODPP

The ODPP is structured into six departments that oversee thematic areas under its mandate. These departments are headed by Deputy Directors of Public Prosecutions. The departments are further divided into thematic Divisions and Units for efficient service delivery. These are:

1) Department of Economic, Organized and International Crimes

b) Department of Conventional and Related Crimes

c) Department of County Affairs and Prosecutorial Services

d) The Prosecution Training Institute

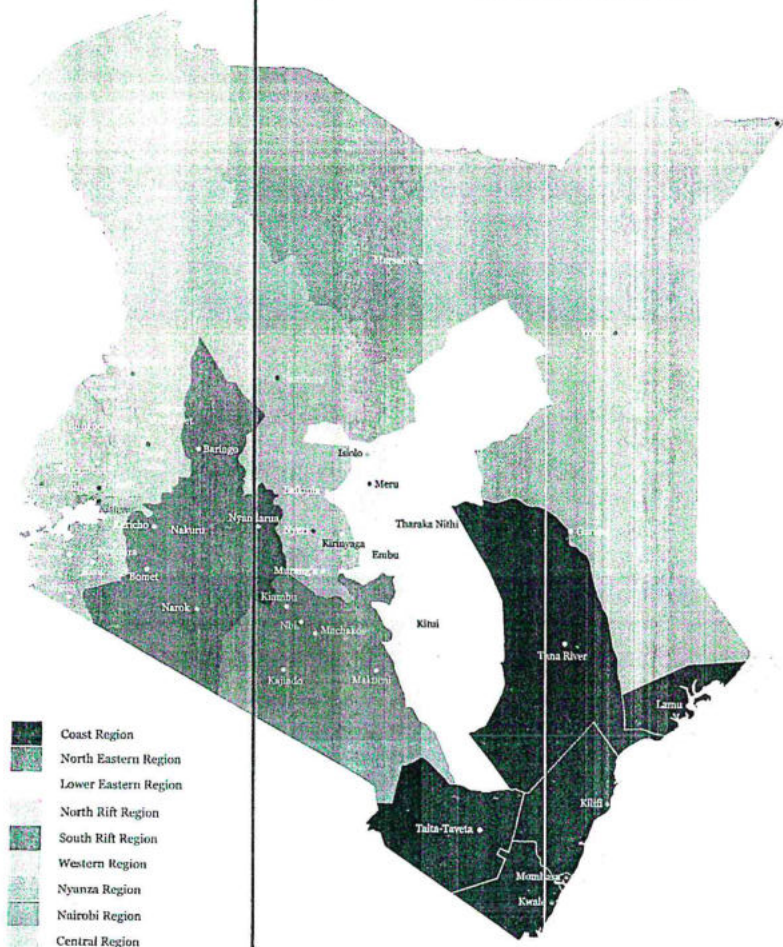
e) Department of Corporate Services

f) Department of Inspectorate and Quality Assurance

1.7 ODPP Regional Offices

In addition to the departmental structures, the Office has decentralised its services through the establishment of nine Regional Offices. These Regional offices are headed by Regional Coordinators who oversee and manage ODPP services at the County and Sub-County levels. These regions are:

Figure 1.4: Map of ODPP Regional Offices



a. **Coast** comprising Mombasa, Kwale, Kilifi, Tana River, Lamu and Taita Taveta;

b. **North Eastern** comprising Garissa, Wajir, Mandera and Marsabit;

c. **Lower Eastern** comprising Isiolo, Meru, Tharaka Nithi, Embu and Kitui;

d. **Central** comprising Nyeri, Kirinyaga, Murang'a and Laikipia;

e. **South Rift** comprising Nakuru, Nyandarua, Baringo, Narok, Kericho and Bomet;

f. **North Rift** comprising Uasin Gishu, Samburu, Turkana, West Pokot, Trans Nzoia, Elgeyo Marakwet and Nandi;

g. **Western** comprising Kakamega, Vihiga, Bungoma and Busia;

h. **Nyanza** comprising Kisumu, Siaya, Homa Bay, Migori, Kisii and Nyamira; and

i. **Nairobi** comprising Nairobi, Machakos, Makueni, Kiambu and Kajiado.

Three light-colored wooden blocks are stacked vertically on a dark, textured wooden surface. The top block has the word 'GOAL' in dark, bold, sans-serif capital letters. The middle block has the word 'STRATEGY' in the same font. The bottom block has the word 'PLAN' in the same font. The background is dark and out of focus.

GOAL

STRATEGY

PLAN

CHAPTER TWO

STRATEGIC FOCUS

1.0 Introduction

The Excellence Charter 2020/ 2023 was developed by the Office of the Director of Public Prosecutions to guide and drive fundamental reforms in the Office. The Charter outlines six strategic commitments designed to guide the DPP in discharging its mandate.

These commitments are:-

1. Independence & Integrity;
2. Lifelong Learning;
3. Reshaping Prosecutions;
4. Leadership;
5. Organisational Effectiveness; and
6. Inter-agency Networks.

The overarching objective of the strategic commitments is to facilitate the realisation of the Office's strategic focus by ensuring accountability, transparency, public confidence and quality control in all operations.

In pursuing the fulfilment to its commitments as enshrined in the Excellence Charter, the Office made great progress and achieved the following in the respective areas of commitment during the reporting period.

1 COMMITMENT 1: Fostering Institutional Independence and Integrity

1.0 Introduction

In its endeavour to maintain the highest levels of integrity and independence and adherence to the national values and principles of governance as mandated by the Constitution of Kenya, the Office has adopted internal structural reforms, policies and guidelines. These are discussed herein below.

1.1 Structural approaches to independence and integrity

In order to facilitate independence and enhancement of integrity in its operations and amongst its officers, the DPP has undertaken the following organisation reforms:

A. Operationalisation of the Inspectorate and Quality Assurance Department

The Inspectorate and Quality Assurance Department is tasked with oversight and promoting accountability in the operations of the Office. The Department ensures the provision of quality services to the members of the public. The Department comprises three divisions namely: the Inspectorate and Quality Assurance Division, the Internal Compliance and Ethics Division and the Complaints and Compliments Division.

i. Inspectorate and Quality Assurance Division

The Inspectorate and Quality Assurance (IQA) Division is established to conduct inspection of ODPP operations and makes recommendations that contribute to the improvement of the prosecution function. The Inspectorate also monitors and evaluates the effectiveness and quality of prosecutions with the aim of transforming the ODPP into a 21st Century prosecution service.

The Division developed the Inspection and Quality Assurance Guidelines to serve as an effective system of assessing and inspecting ODPP operations. These Guidelines establish the standards against which the performance of staff in the Office shall be assessed. To complement this, the division has also developed tools to facilitate the assessment and evaluation of staff performance.

In addition, the IQA division undertook a data verification exercise to ensure the validity and accuracy of ODPP caseload data countrywide.

ii. Internal Compliance and Ethics Division

This Division investigates complaints of professional and ethical misconduct against ODPP staff to ensure adherence to the Constitution, the Code of Conduct and Ethics for Public Prosecutors, and other relevant ODPP policies and guidelines.

The Division is in the process of reviewing the ODPP Code of Conduct and Ethics with support from the United Nations Office on Drugs and Crime (UNODC).

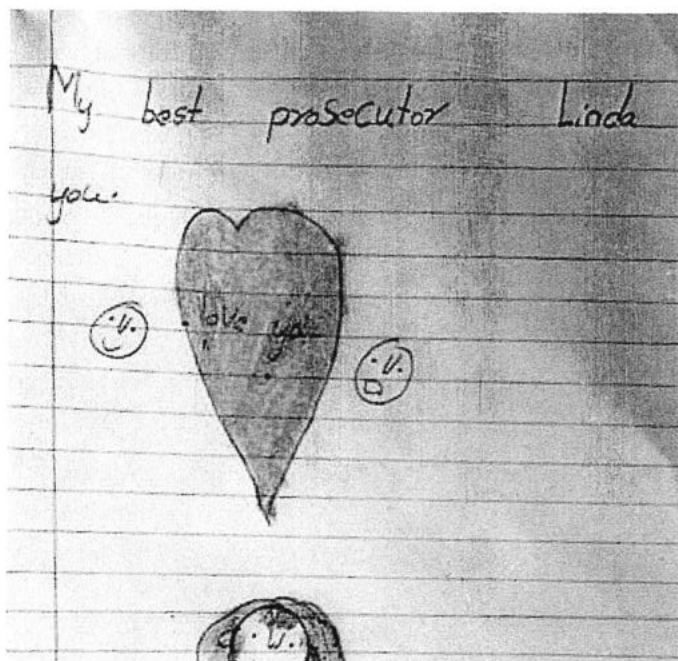
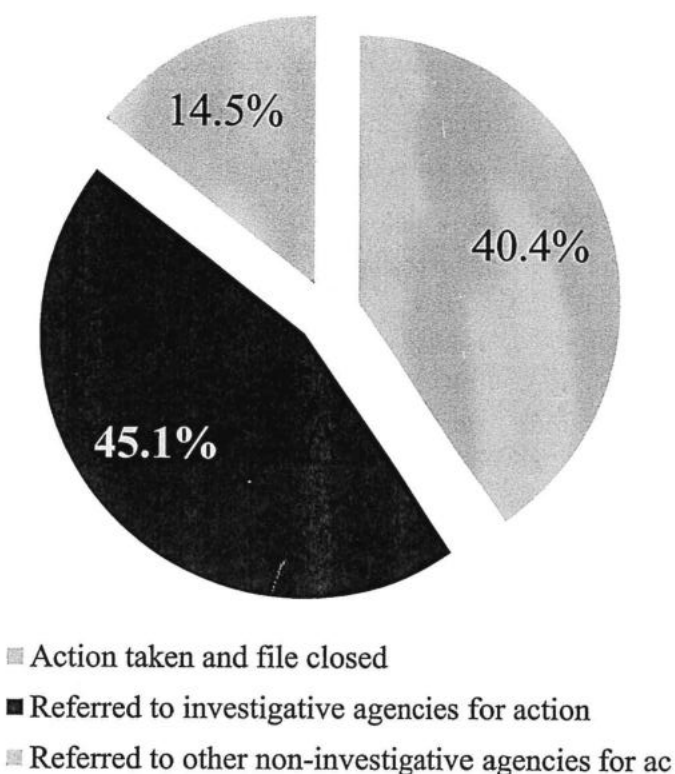
iii. Complaints and Compliments Division

The Complaints and Compliments Division is tasked with handling complaints and compliments from members of the public regarding our services and conduct of our staff. The division often receives complaints regarding other stakeholders in the criminal justice sector.

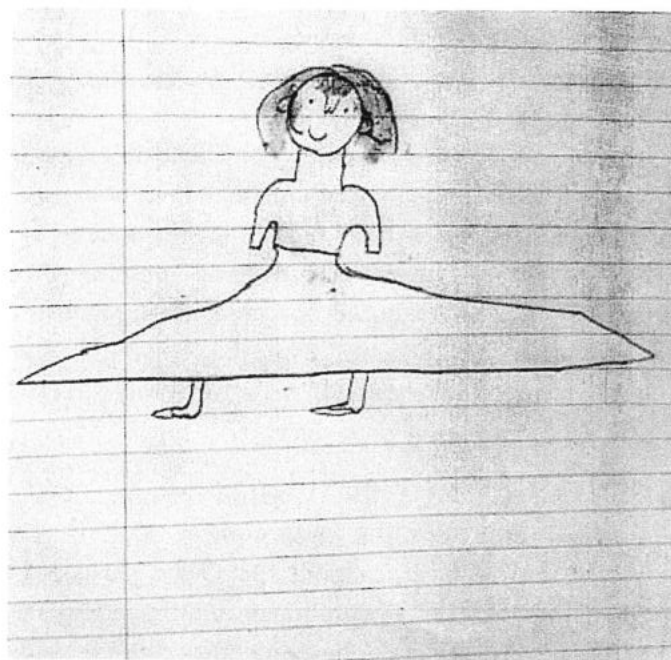
The handling of complaints from the public has been decentralised to the county level to facilitate their quick resolution. During the reporting period, the ODPP received a total of 3,546 complaints from members of the public. Of these, 970 complaints were resolved, 1,084 complaints were referred to investigative agencies for action and 347 were referred to other appropriate public institutions.

The Division also receives compliments from the public and stakeholders regarding the ODPP's performance in service delivery. These compliments are important as they assist in assessing the Office's impact in service delivery and achievement of organisational goals. Compliments not only enhance trust and communication between the Office and its stakeholders but also serve to boost staff morale.

Figure 2.1: Decisions/Action taken on complaints received during 2020/2021 period



A Compliment to one of our Prosecution Counsel, Linda



2 Policy approaches to independence and integrity

The ODPP has continued to develop, and where already in place, implement policies and guidelines geared towards strengthening its independence and integrity in prosecution service delivery. These include:

Code of Conduct and Ethics for Public Prosecution

The Code of Conduct and Ethics for Public Prosecution outlines the ethical and professional standards that govern the conduct and behaviour of ODPP staff. The Code links the core values of the Office to the staff hence ensuring that all staff operate within the set standards of conduct and ethics. During the reporting period, the Office embarked on the review of its Code to reflect the current changes in prosecution service, in tandem with our goal to be a 21st Century prosecution service.

Decision to Charge Guidelines

During the reporting period, the Office sensitised staff on the Decision to Charge Guidelines. This has enhanced the implementation of the Guidelines as Prosecution Counsel are now able to make accountable and consistent decisions when making the Decision to Charge.

Practice Directions on the Delegation of Prosecutorial Powers

During the reporting period, the Office developed, adopted and commenced implementation of the Practice Directions on the Delegation of Prosecutorial Powers. These Practice Directions outline the delegation of prosecutorial powers from the DPP to prosecutors. The Practice Directions establish the levels of accountability with regard to prosecutorial powers and reporting procedures.

Guidelines for the Appointment and Gazettement of Public Prosecutors

During the reporting period, the Office developed Guidelines for the Appointment and Gazettement of Public Prosecutors. The guidelines regulate and guide the appointment and delegation of prosecutorial

powers by the DPP to prosecutors in other public institutions such as ministries, departments, agencies and/or authorities. This is geared towards streamlining prosecution services.

2.2 COMMITMENT 2: Lifelong Learning

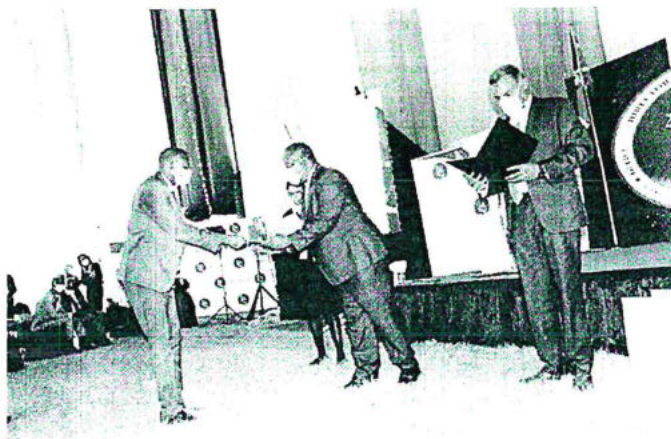
2.2.0 Introduction

The ODPP continues to enhance the knowledge and skills possessed by its staff through training and mentorship. This is aimed at making staff more responsive to the expectations of the public and keep pace with the ever-changing nature and dynamics of crime. To achieve this, the ODPP continues to increase the capacity of the Prosecution Training Institute to facilitate Lifelong Learning.

During the reporting period, the ODPP was able to collaborate and work with various stakeholders, including government agencies and development partners in furtherance of the following:

2.2.1 Training and Capacity Building at the PTI

The ODPP, through the Prosecution Training Institute, is committed to enhancing the knowledge and skills of its staff for improved service delivery. During the reporting period, the ODPP, developed a 1-year Diploma program curriculum that will be offered at the PTI. This curriculum has employed the principles of design- thinking which requires innovation through strategic and practical processes.



A total number of 728 staff participated in group trainings and sensitisation sessions whilst, 264 staff took part in individual trainings. Tables 2.1, 2.2, 2.3, 2.4 and 2.5; and Figures 2.1, 2.2 and 2.3 illustrate the analysis of training and capacity building.

Table 2.1: Group Trainings and Sensitisation

| Programme/Course | No. of Staff |
|--|--------------|
| Sensitisation on Decision to Charge | 419 |
| Prosecution of Financial Crimes (AML/CFT) | 76 |
| Public Policy Executive Programme | 65 |
| Orientation Programme for PC & research Officers | 39 |
| Induction Training for Newly Recruited Prosecution Counsel and Research Officers | 47 |
| IHRM Congress | 5 |
| 7 th Annual HR Congress | 6 |
| 37 th Annual Seminar ICPAK Conference | 16 |
| Sensitization on Plea Bargaining and Diversion | 49 |
| Secretaries and Administration Officers workshop. | 6 |

Table 2.2: Individual Trainings and Sensitisation

| Programme/Course | No. Trained |
|---|-------------|
| Diploma in law | 1 |
| Higher Diploma in Secretarial Studies | 1 |
| Diploma in Business Management | 1 |
| Master of Laws | 1 |
| Supervisory Skills Development Course | 8 |
| Secretarial Management Course | 18 |
| Senior Management Course | 183 |
| Strategic Leadership Development Programme | 8 |
| Refresher, Defensive & First Aid Course | 11 |
| Supervisory Management Course for Clerical Officers and Office Assistants | 32 |
| Total | 264 |

Table 2.3: Staff trained per cadre

| Rank/Cadre | Prosecution Counsel | Corporate Staff |
|------------|---------------------|-----------------|
| S-T | 4 | - |
| P-R | 143 | 12 |
| M-N | 124 | 6 |
| K-L | 595 | 42 |
| D-J | - | 67 |

Figure 2.2: Officers Trained per Rank/Cadre

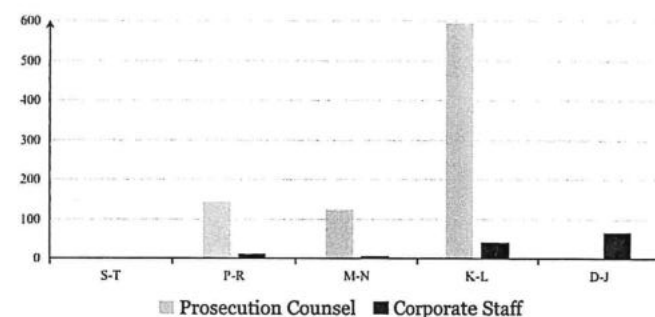


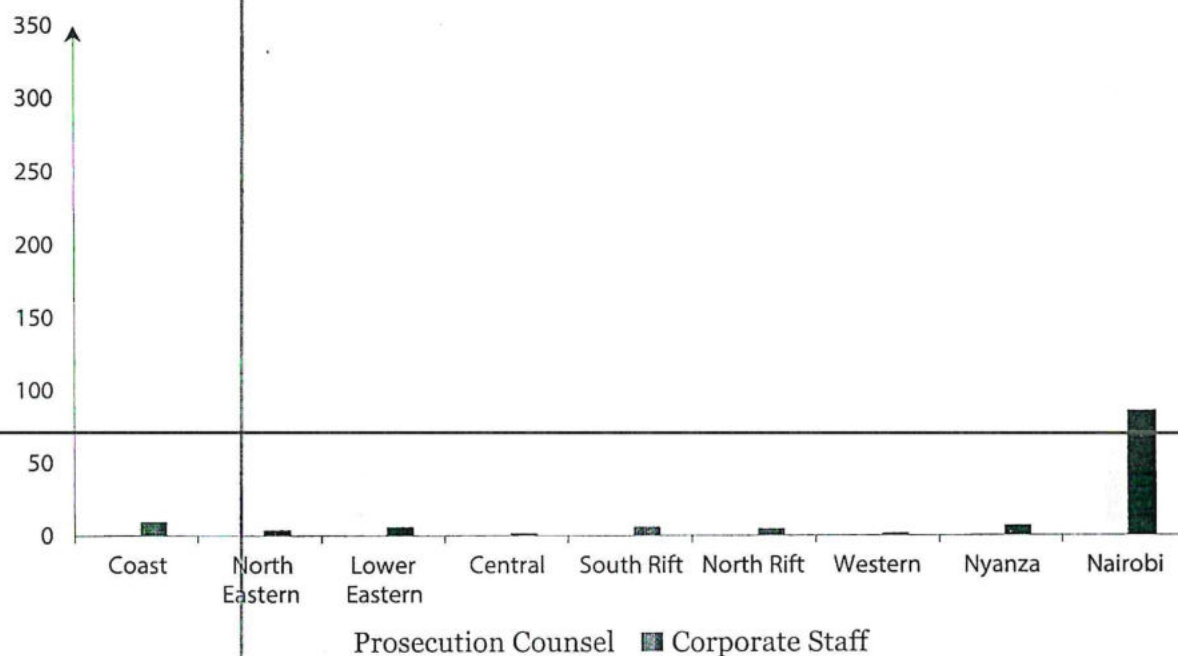
Table 2.4: Staff Training per Region

| Region | Prosecution Counsel | Corporate Staff |
|---------------|---------------------|-----------------|
| Coast | 81 | 10 |
| North Eastern | 30 | 4 |
| Lower Eastern | 61 | 6 |
| Central | 73 | 2 |
| South Rift | 82 | 6 |
| North Rift | 70 | 5 |
| Western | 75 | 2 |
| Nyanza | 87 | 7 |
| Nairobi | 305 | 86 |

728

Total number of staff who participated in group trainings and sensitisation sessions

Figure 2.3: Staff trained per Region



Pupils and Interns

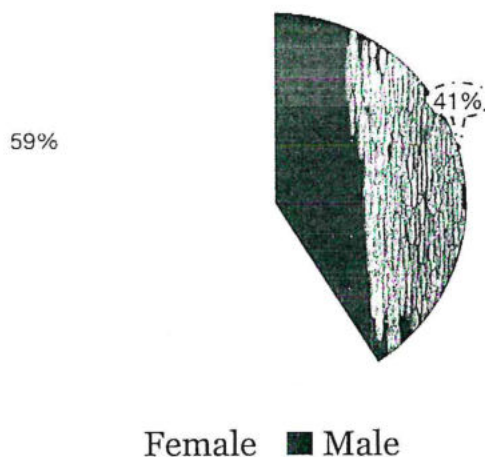
The ODPP is committed to implementing government policy on engagement of interns and pupils. 82 interns and pupils were engaged of which 56.1% were interns and pupils pursuing law whereas 43.9% were interns in other specialities. Of these, 59% were female and 41% male.

The ODPP continues to advocate for equal opportunity for regardless of the gender or area of expertise. Table 2.5 below illustrates the representation of interns and pupils gaged by areas of speciality and gender.

Table 2.5: Engagement of Interns/Pupils per Area of Speciality

| Areas of Expertise | Male | Female | Total |
|--|-----------|-----------|-----------|
| Law | 14 | 32 | 46 |
| Public Communication | 1 | 3 | 4 |
| Human Resource Management | 3 | 3 | 6 |
| Accounting and Finance | 3 | 2 | 5 |
| Information and Communication Technology | 6 | 4 | 10 |
| Library & Records | 2 | 2 | 4 |
| Supply Chain Management | 5 | 3 | 8 |
| Total | 34 | 49 | 82 |

Figure 2.4: Interns and pupils engaged by gender



2.2.2 Infrastructural Development at the PTI

During the reporting period, the ODPP commenced the first phase of works at the PTI which include the construction of a Moot Courthouse to host trainings on prosecutorial trial skills, and on thematic areas for other specialists within the criminal justice sector.

Further, the Office is currently undertaking refurbishment of an administration block and two classroom facilities in collaboration with the Attorney General Alliance- Africa (AGA) and the Bureau of the International Narcotics and

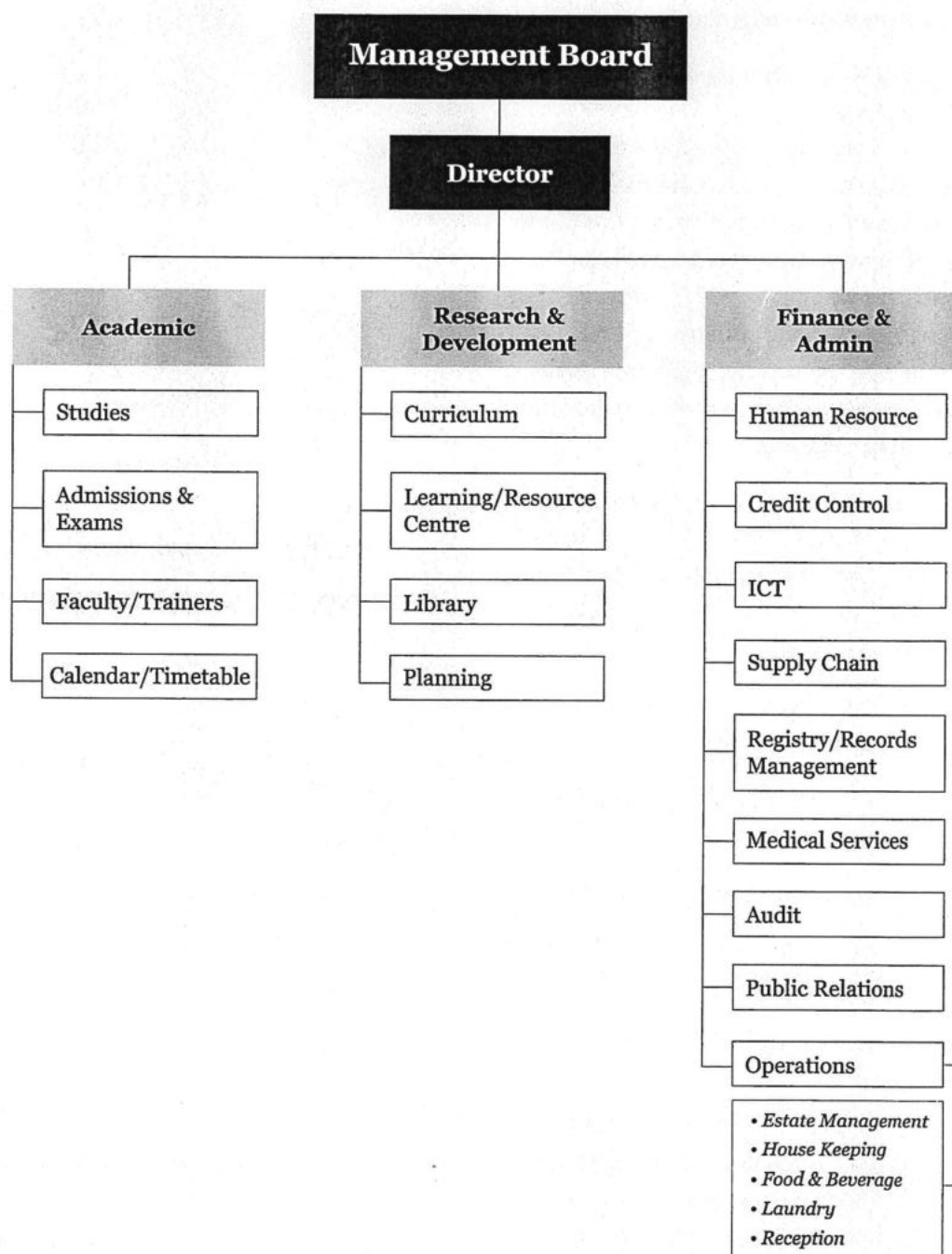
Law Enforcement Affairs (INL), and some 72 studio apartments for student accommodation.

The Office is also in the process of developing an e-learning system at the PTI in collaboration with LWOB and GIZ. This will offer a stable platform for the Office's virtual training and capacity building.

2.2.3 The PTI Organisational Structure

During the reporting period, the Office reviewed the organisational structure of the PTI as illustrated below:

Figure 2.5: PTI Organisational Structure



COMMITMENT 3: Reshaping Prosecutions

1.0 Introduction

As ODPP continues to remodel its processes and procedures to equip itself as a modern prosecution service. During the period of this report, the Office undertook the following:

1.1 Digital Approach to Re-shaping Prosecution

Use of technology in the delivery of prosecution services

As the world continues to embrace digitisation, the ODPP realises the need to reform its processes and procedures to offer quality services through digital platforms. The Office has fortified its digital infrastructure and transitioned its process through enhancement of its ICT systems. This has been done through acquisition of modern servers to streamline the flow of data, and the acquisition of backup systems to correspond to the increased traffic of users and storage of data on digital operations.

The Office has also set up a Local Area Network (LAN) system in its Regional Offices to bolster internet access. The increased internet access and reliability has facilitated more efficient research and enabled e-conferencing and virtual court attendance by our staff.

Further, the Office has integrated technology within its operations in the following ways:

Implementation of the *Uadilifu* Case Management System

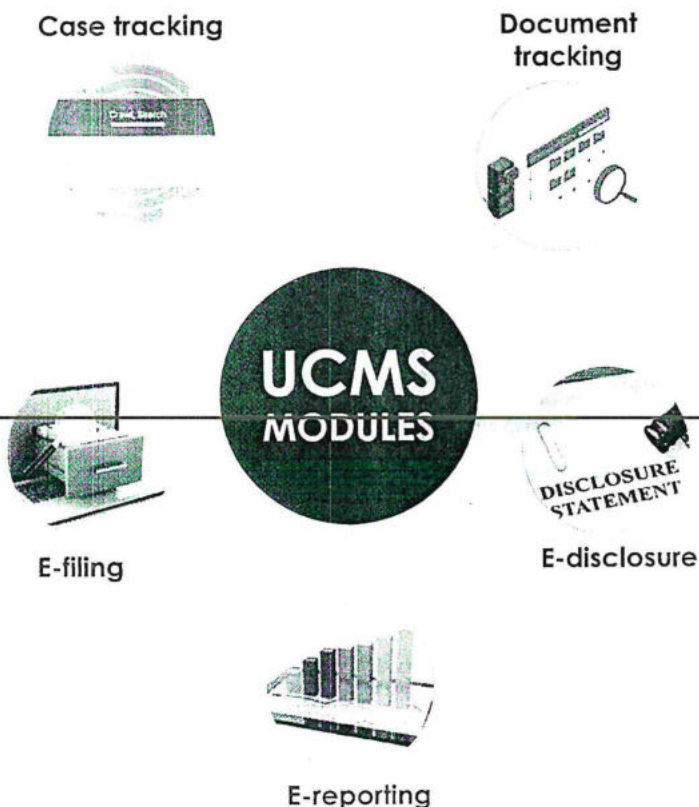
Use of Digital Platforms as advocacy and public awareness forums.

Adoption of a Digital workspace.

Implementation of the *Uadilifu* Case Management System

During the reporting period, the ODPP launched its automated case management system, the “*Uadilifu* Case Management System” (UCMS). The system is a centralised electronic repository that consists of five modules as illustrated in figure 2.6.

Figure 2.6: *Uadilifu* CMS modules



CASE MANAGEMENT SYSTEM



www.odpp.go.ke

A Mock-up of *Uadilifu* Case Management System

The System has enhanced efficiency, teamwork, collaboration, accountability and transparency amongst staff and other actors in the criminal justice sector. It ensures that all the steps required in the Decision to Charge process are followed including documentation of the decision-making process. The System allows for remote access to documents and information thereby enabling timely accomplishment of tasks. The System collects and generates accurate data which is important for evidence-based policy formulation and resource allocation.

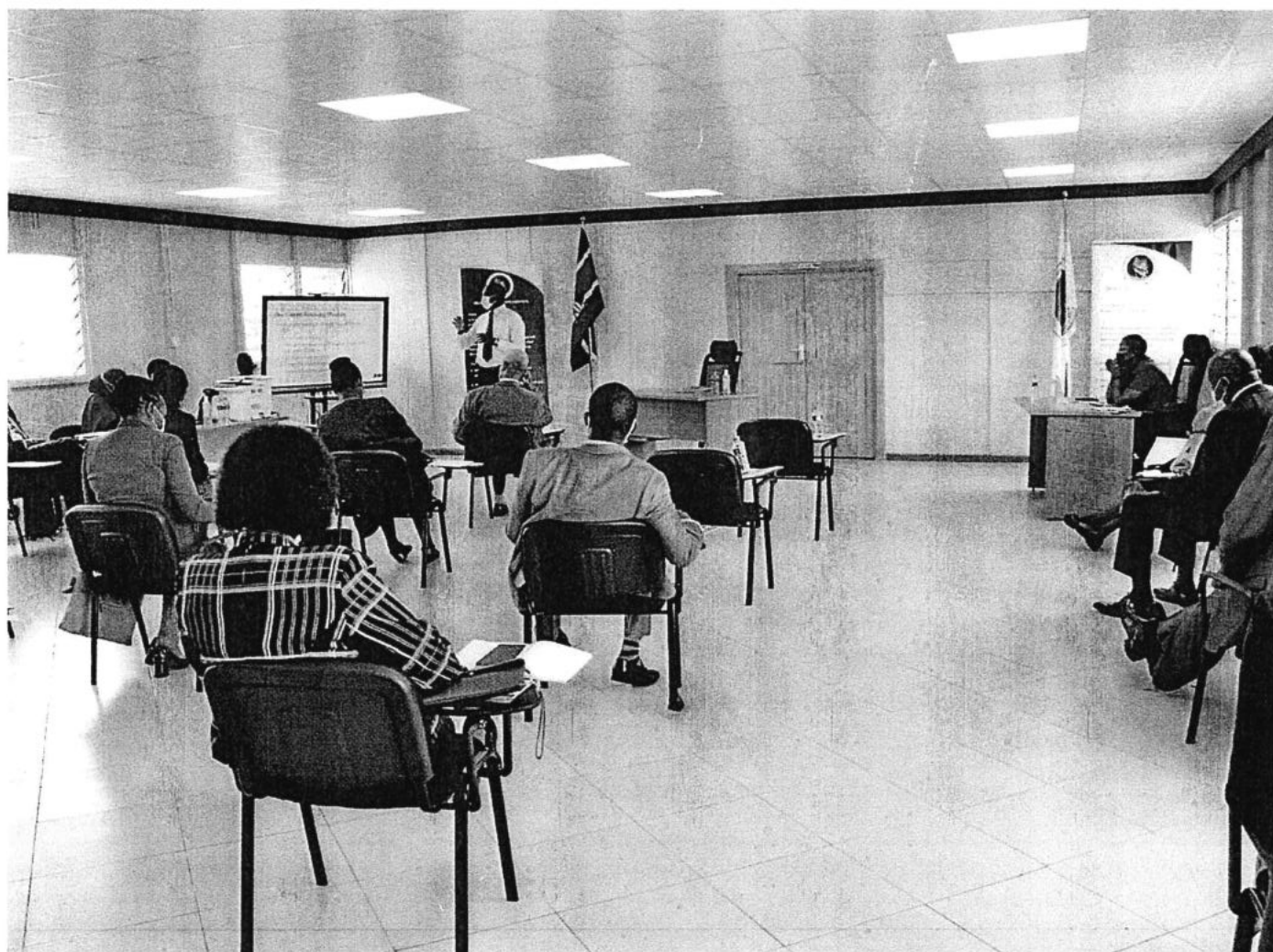
The system has been rolled out in the Nairobi region and is in the process of being rolled out to all the Regions countrywide. As of June 2021, **24,799** case files were

filed through the CMS, out of which **19,832** cases are ongoing.

The Office is also in the process of developing a forensic component under the **Uadilifu** CMS. Further, in order to strengthen its systems and processes, the Office has invested in upgrading its existing infrastructure.

FILING OF CASES USING UADILIFU CASE MANAGEMENT SYSTEM

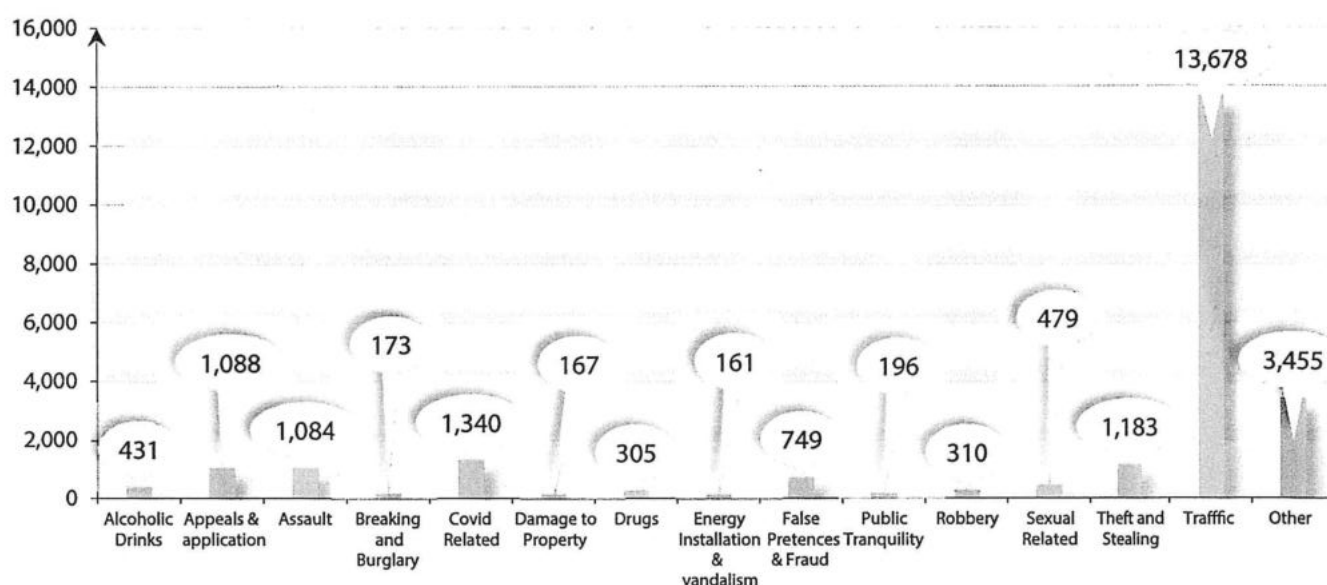
Filing of cases using **Uadilifu** CMS commenced in August 2020. As at 30th June 2021, a total of **24,799** cases were filed through **Uadilifu** CMS. Table 2.6 and Figure 2.4 illustrate cases filed using **Uadilifu** CMS.



ODPP Senior Staff Members undertaking a training session organised by the ICT Division on **Uadilifu** Case Management System at PTI, Loresho, Nairobi

Table 2.6 : Cases filed using Uadilifu CMS

| Offence | Number | Proportion |
|--|---------------|------------|
| Traffic Offences | 13,678 | 55.2% |
| COVID-19 Related Offences | 1,340 | 5.4% |
| Theft and Stealing | 1,183 | 4.8% |
| Appeals & applications | 1,088 | 4.4% |
| Assault | 1,084 | 4.4% |
| False Pretences & Fraud | 749 | 3.0% |
| Sexual Related Offence | 479 | 1.9% |
| Offences Relating to Alcoholic Drinks | 431 | 1.7% |
| Robbery & Related Offences | 310 | 1.3% |
| Offences Relating to Drugs | 305 | 1.2% |
| Offences against Public Tranquillity | 196 | 0.79% |
| Breaking and Burglary | 173 | 0.70% |
| Offences Relating to Damage to Property & Arson | 167 | 0.67% |
| Offences relating to Energy Installation & vandalism | 161 | 0.65% |
| Forgery | 96 | 0.39% |
| Offences Relating to Immigration | 86 | 0.35% |
| Offences against the Person (homicide) | 79 | 0.32% |
| Corruption & Economic Crimes | 75 | 0.30% |
| Offences against Children | 51 | 0.21% |
| Offences Relating to Forestry | 25 | 0.10% |
| Counterfeiting | 24 | 0.10% |
| Request | 23 | 0.09% |
| Offences Relating to Wildlife | 19 | 0.08% |
| Offences under Health Act | 10 | 0.04% |
| Cyber Crime Offences | 9 | 0.036% |
| Human trafficking | 4 | 0.016% |
| Terrorism | 4 | 0.016% |
| Environmental Offences | 3 | 0.012% |
| Kidnapping | 1 | 0.004% |
| Other Offences | 2946 | 11.88% |
| Total | 24,799 | |

Figure 2.7: Cases filed using Uadilifu CMS

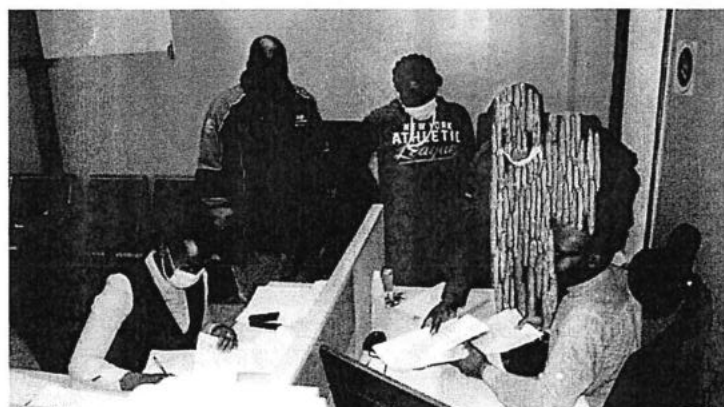
Uadilifu User Manual and Document-Tracking guidelines

The Office also developed the *Uadilifu* User Manual and the Document-Tracking Guidelines to guide users in the implementation of the system.

b. Central Case Intake

Further, the *Uadilifu CMS* supports the Central Case Intake system where investigative agencies collate all files at a central location where the decision to charge is made. This system streamlines ODPP processes and safeguards the quality of decision making in the Decision to Charge process. In addition, the Central Case Intake enables the prosecution to keep a comprehensive record of all matters registered.

During the reporting period, the ODPP rolled out Central Case Intake to Makadara Law Courts, Kibera Law Courts, Milimani Law Courts and City Court to ensure quality, uniformity and consistency in the Decision to Charge. The Office has since registered **24,799** cases through the Central Case Intake to the Uadilifu Case Management System.



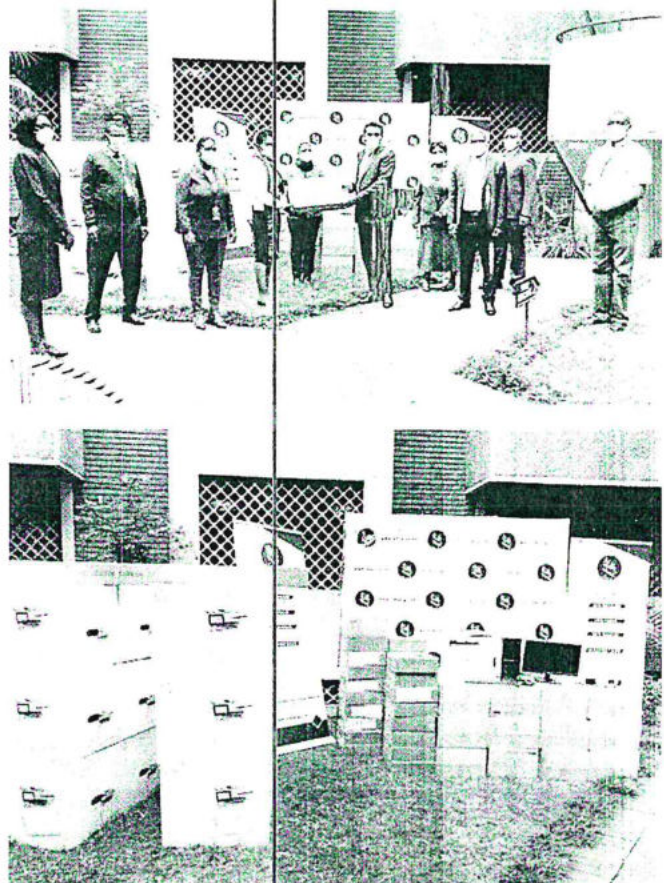
Kenya Police Officers delivering files at the ODPP Central Case Intake in Makadara



ODPP Staff during a sensitisation session on Central Case Intake

Digital Workspace

The Office has enhanced its virtual capacity thus enabling staff to work remotely. This now facilitates virtual court attendance, e-disclosure that includes submitting documents online, and conducting meetings, conferences, training and seminars virtually. To facilitate remote access and guarantee safety of online operations, the Office has further put in place robust security measures and procured ICT equipment for staff. The acquisition of equipment was supported by development partners, namely the GIZ, LWOB, USDOJ/INL, BHC and UNODC/LEAD.



Adoption of the Use of Digital Platforms as Advocacy and Public Awareness Forums

The Office has utilised digital platforms to engage the public on matters relating to its mandate and generally the criminal justice processes. This has given the public an opportunity to interact with the ODPP, thereby increasing

awareness on access to justice, and in general the criminal justice system. Additionally, the platforms have strengthened our accountability to the public through regular updates on ODPP's events, directives, and status of ongoing matters and their outcome.

Social media engagements

Through Twitter and Facebook engagements, the Office has received a positive reception from the general public and other stakeholders in the criminal justice system. This is a laudable achievement as the Office strives to be a 21st Century Prosecution Service. Figures 2.8 to 2.11 below illustrate the Analytics of the Office's Social Media engagements during the reporting period.

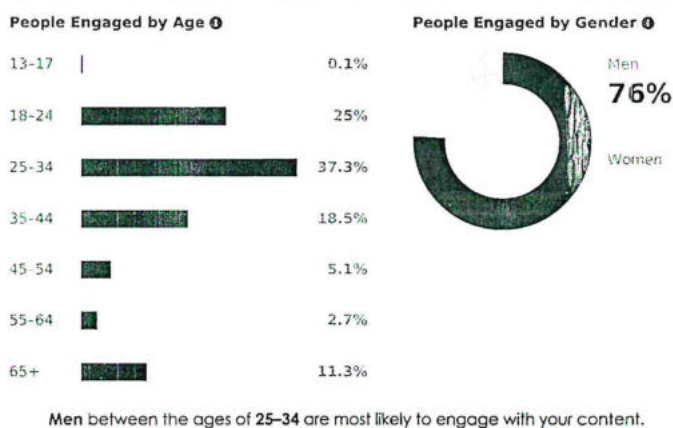


Figure 2.8: Social Media Analytics by Age group

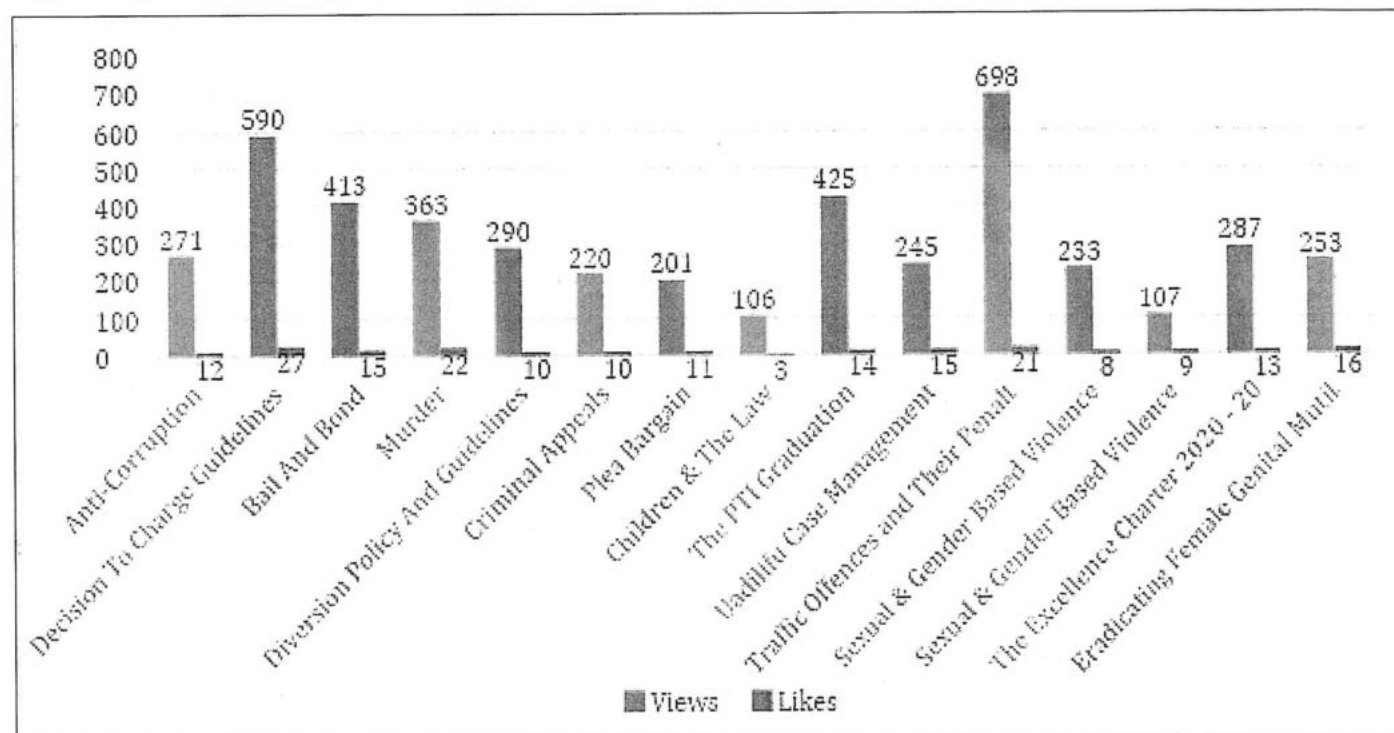
The predominant age demographic generating social media traffic on the Office's platform is between 25-34 years old, with 76% of them being accounts associated with male users. Nairobi Region generates the most social media traffic as illustrated in Figure 2.9 below.

The ODPP Café

Live sessions on thematic content are streamed through the ODPP Café via the Office's Facebook and YouTube channels. These live sessions give weekly updates on Office activities, notable jurisprudential highlights and emerging issues within the criminal justice system. The concept has been widely lauded as an effective tool in demystifying access to justice. During the reporting

period, the Café had a total of 16 sessions on the various thematic areas. Figure 2.9 below illustrates the analytics of ODPP Café performance on YouTube.

Figure 2.9: ODPP Café performance on YouTube



An ODPP Café Livestream in session. The ODPP Café airs every Friday morning from 8am

Through metrics obtained on the ODPP Café and social media platforms, the Office has obtained valuable data on its public advocacy campaigns. During the reporting period, the most viewed topics on the Café were on

Traffic Offences, the Decision to Charge Guidelines and the Prosecution Training Institute virtual graduation ceremony.

Figure 2.10: Analytics of the ODPPs Facebook engagements by Region










| People Engaged Top Countries | Daily Average | People Engaged Top Cities | Daily Average |
|---|---------------|------------------------------------|---------------|
|  Kenya | 217.93 | Nairobi, Kenya | 108.59 |
|  United States | 0.58 | Mombasa, Coast Region, Kenya | 18.99 |
|  Somalia | 0.51 | Kisumu, Nyanza Region, Kenya | 1.03 |
|  Netherlands | 0.48 | Eldoret, Rift Valley Region, Kenya | 8.23 |
|  South Korea | 0.37 | Nakuru, Rift Valley Region, Kenya | 8.2 |

Figure 2.11: Analytics of ODPP's Facebook engagement by type of content

| Type | Average Reach | Average Engagement |
|--|---------------|--------------------|
|  Link | 5,835 | 711 285 |
|  Photo | 2,882 | 1,187 158 |
|  Status | 4,246 | 394 391 |
|  Video | 2,670 | 175 72 |

3.2 Policy Approach to Re-shaping prosecutions

Development of the Guidelines for the Prosecution of Children Matters

The ODPP recognises that children form part of the most vulnerable persons in our society and that often when children are in conflict with the law, they are often at the same time victims of abuse, poor parenting, complete

neglect or socio-economic difficulties. The Office further understands that, within the criminal justice system, children do not always have knowledge of their rights nor means to get legal representation. As such, the ODPP has compiled Guidelines to provide a framework to support public prosecutors when handling matters involving children.

The Guidelines are intended to create a platform for a child-friendly criminal justice system that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs of the child, respects the right to due process, respects the right to participate in and to understand the proceedings, respecting the right to private and family life, and respects the right to dignity of children, so as to enhance access to justice by children.

2. Decongestion of the Criminal Justice System through use of Alternatives to Prosecution

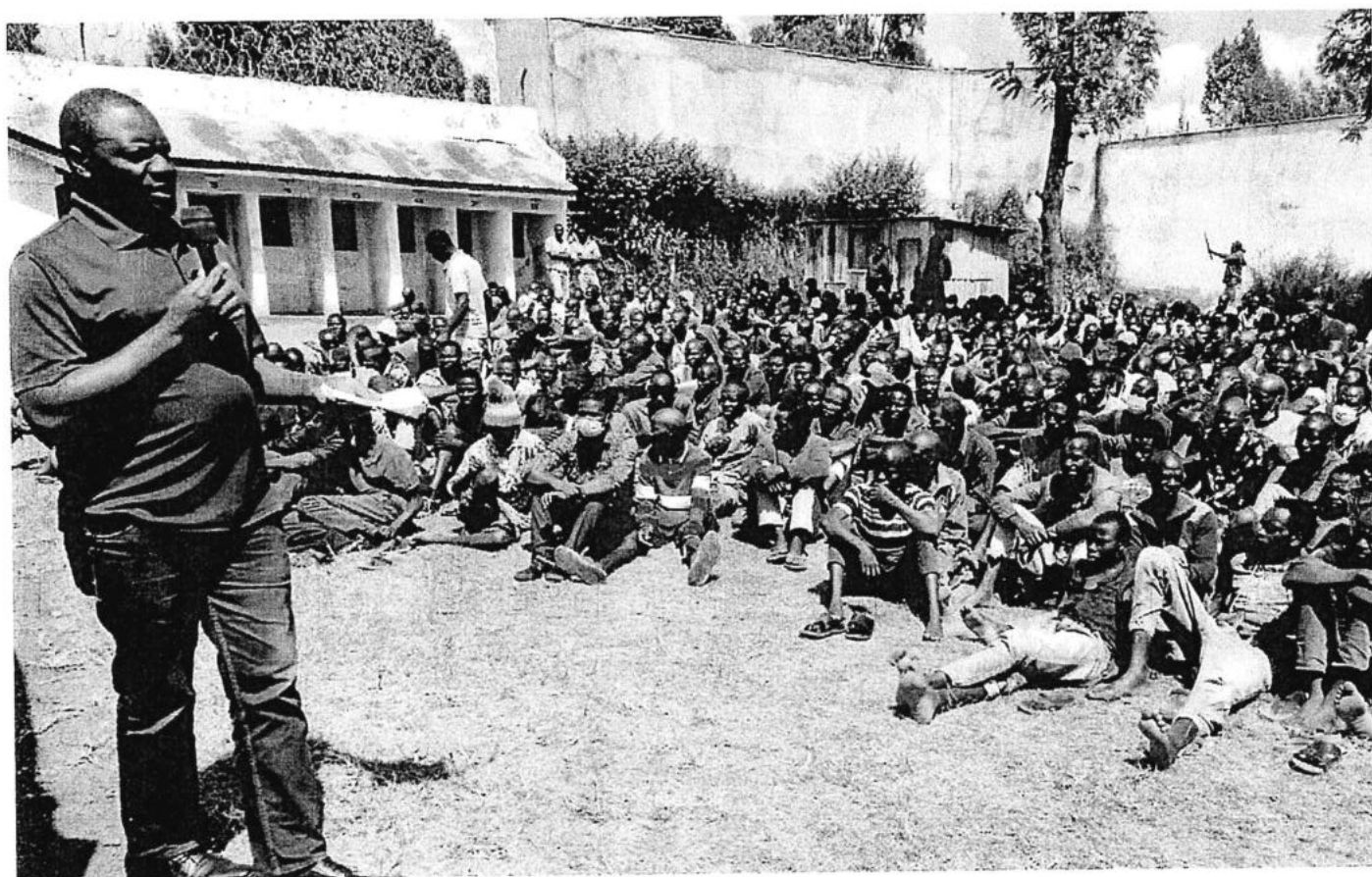
The Office has continued to hold Plea Bargaining and Diversion sensitisation exercises for its staff and other stakeholders in the criminal justice system. Plea Bargaining and Diversion enhance access to justice and promote quick disposal of cases, thereby decongesting the criminal justice system.

During the Financial Year 2020/2021, a total of **2,180** cases were diverted from prosecution and **1,702** were resolved through plea bargaining agreements.

3. Law reform

The law must continuously adapt to reflect the political, economic, legal, and social developments of society, therefore making law reform an important aspect of the legal system. Law reform is often required to clarify and enable better enforcement of existing legal instruments.

In pursuit of its commitment to improve the effectiveness and efficiency of the criminal justice system through law reform, during the reporting period, the ODPP proposed amendments to the Criminal Procedure Code, the Sexual Offences Act, the Proceeds of Crime and Anti-Money Laundering Act and the Narcotics and Psychotropic Substances Act.



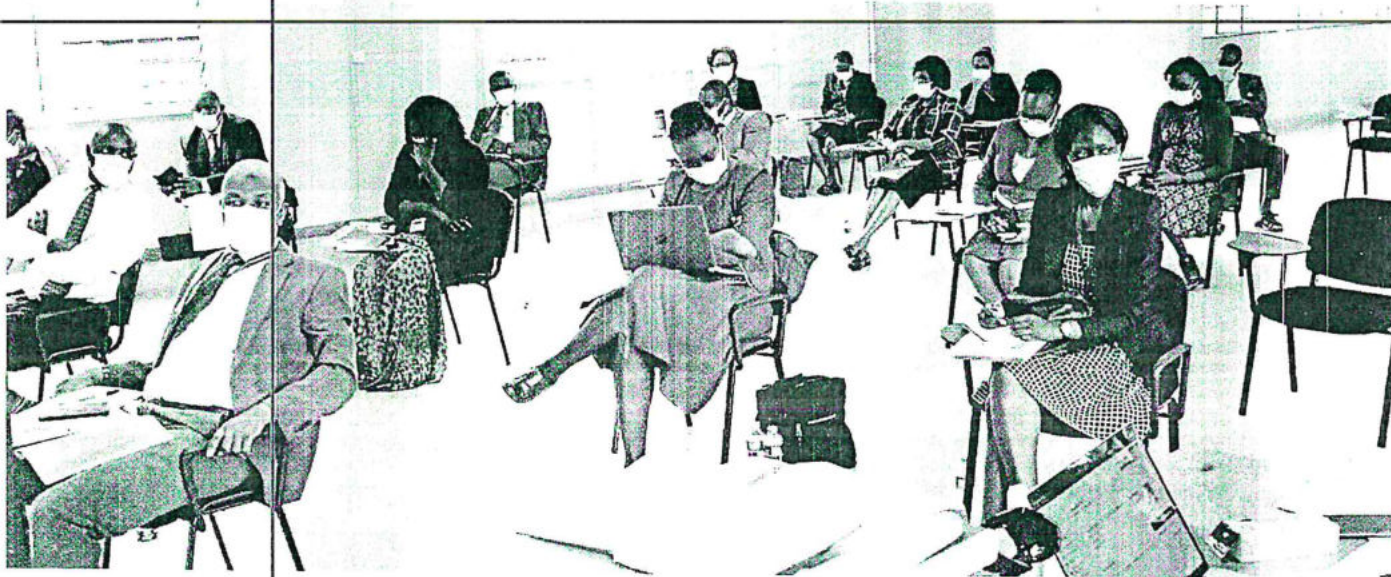
Mr. Alloys Kemo, Head Rift Valley Region, sensitising remandees at Eldoret GK Prisons on Plea Bargaining and Diversion Policies.

2.4 COMMITMENT 4: Leadership

2.4.0 Introduction

In recognising that good leadership is critical at all levels within the organisation, the Office developed a Leadership Framework that is based on the philosophy of Thought and Servant Leadership. This framework encourages investment of time, energy, resources and thinking into developing individuals with leadership capabilities.

The Office believes that interpersonal networks can be developed at all levels of the organisation. The Framework will assist the ODPP in identifying and mentoring leaders within the ranks of its staff who possess qualities such as tenacity, vision, and the ability to inspire and willingness to support others. This effort will encourage innovation and enhance work performance, skills and talent development.



Senior Staff Members during a workshop on the development of a Leadership Framework held at PTI, Loresho, Nairobi

2.5 COMMITMENT 5: Organisational Effectiveness

2.5.0 Introduction

The Office is committed to strengthening and maintaining its organisational effectiveness through efficacious communication, flexible and responsive organisational structure, robust processes and procedures, focus on the delivery of quality prosecution service, effective performance management and regular monitoring and evaluation.

During the reporting period, the Office undertook several activities towards the fulfillment of this Commitment:

2.5.1 Banding of ODPP Officers

During the reporting period, the ODPP developed the Banding Guidelines. These guidelines will provide career guidance and equal opportunities for mentorship by experienced counsel for all staff members, thereby ensuring favourable progression with the organisation. It further provides internal supervision across job groups thereby fostering knowledge and expertise in the various thematic areas.

2.5.2 Establishment of the Office of Change Management (OCM)

The Office of Change Management is intended to oversee all change initiatives and ensure that they are delivered

effectively through the application of a consistent methodology and performance matrix. During the reporting period, a committee on change management was appointed to monitor the implementation of the Excellence Charter.

2.5.3 Development of the Performance Management System

During the reporting period, the Office developed the ODPP performance management system which encompasses a staff appraisal system among other HR related modules. The System is intended to facilitate improved service delivery.

2.5.4 Service Delivery Standards

The ODPP service delivery standards are aimed at ensuring;

- Efficient and effective prosecution services by the Office;
- Access to professional services by all;
- Independent and impartial decision-making in prosecution;
- Prompt and quality professional advice to investigative and other agencies on matters relating to criminal law reforms and legislation;
- Proper handling of complaints and inquiries promptly and with due confidentiality;
- Accountability and transparency in the administration of resources; and
- Efficient collaboration with stakeholders.

2.5.5 The Risk Management Strategy, 2021

During the reporting period, the ODPP developed a Risk Management Strategy which is aimed at:

- (a) enhancing sustainability and reliability in service delivery;
- (b) making informed decisions underpinned by appropriate diligence and analysis;
- (c) enhancing innovation;
- (d) realising value for money through more efficient use of resources; and
- (e) increasing outputs and improving outcomes through enhanced project and program management.

2.5.6 Staff Well-being

The Office recognises that human resource is the most crucial element in the delivery on its mandate. During the reporting period, it took measures to enhance its staff welfare in a number of ways:

- Provided testing and vaccination against COVID-19;
- Scheduled rotational work hours to reduce contact and crowding;
- Opened the PTI Loresho grounds for physical exercises;
- Commissioned the issuance of mortgages & car loans to the ODPP staff; and,
- Trained first aiders in preparedness to respond to medical emergencies.



During a COVID-19 Testing Exercise for ODPP Officers



During COVID-19 vaccination for ODPP Officers

1.6 COMMITMENT SIX: Inter-Agency Networks

1.6.0 Introduction

The Office, as espoused in the Excellence Charter recognises the importance of stakeholder engagement and collaboration in the delivery of services.

During the reporting period, the ODPP carried out the following activities to widen and deepen its stakeholder networks and engagements:

1.6.1 Development of the Stakeholder Engagement Strategy, 2021

The Office developed a Stakeholder Engagement Strategy to enhance its working relationship with its stakeholders, improve service delivery and tackle cross-cutting issues.

The Strategy provides a structured framework for engagement, reduces duplication of roles, and fosters transparent and efficient coordination of stakeholder engagements. This will enable the Office to make robust choices in its commitment to collaboration, partnerships, and improve its performance.

Under the Stakeholder Engagement Strategy, the Office has categorised the stakeholders into 9 groups: the criminal justice actors, government institutions, the

private sector, non-profit organisations, research and training institutions, citizens, media, professional bodies & thematic networks, and prosecution bodies from other jurisdictions.

a. Criminal Justice Actors;

The ODPP engages criminal justice actors through various platforms under the criminal justice sector such; as the National Council on the Administration of Justice (NCAJ), the Court Users Committees (CUC), Multi- Agency Task Teams (MATT), and Regional and International Associations.

During the reporting period, the Office, in collaboration with IPOA, NPS and OHCHR, developed and operationalised the Standard Operating Procedures on Investigation and Prosecution of Serious Human Rights Violations Committed by Police Officers. The SOPs set precedence in the criminal justice system by guiding and facilitating collaboration, coordination and organisational partnerships to ensure efficiency in the investigation of human rights violations committed by police officers.

The SOPs are intended to guide the ODPP, IPOA and NPS in their interaction during the investigation and prosecution of human rights related offences committed by police officers.



ODPP Noordin Haji with ODPP staff and other stakeholders during a validation exercise for SOPs on Prosecution of Female Genital Mutilation cases

b. Development Partners and the Civil Society

The Office partners with development partners and the civil society such as the European Union, German Federal Government through GIZ, USDOJ/INL, UNODC/PLEAD, AGA, LWOB, IJM, BHC, OHCHR, USAID, UNFPA, FIDA, TRAFFIC, SFG, AWF and Haki Africa in areas of training of ODPP staff in different thematic areas, supply of equipment and furniture, facilitation of projects and programs and development of policy documents and reports.

In deepening engagement with its development partners, the Office held a Donor Roundtable meeting at the PTI premises. The objective of the meeting was to share ODPP priority areas and prepare for future engagements.



DPP Noordin Haji hosting development partners at PTI, Loresho, Nairobi during a donor stakeholder round table meeting

The Office, in collaboration with Haki Africa, organised a meeting under the Access to Justice Programme with various stakeholders and experts to discuss the viability

of conducting autopsy within Muslim communities in suspected murder and manslaughter cases.

Further, the Office collaborated with Haki Africa and various stakeholders on programmes aimed at preventing and countering violent extremism at the Coast Region under the Collective Resilience Against Extremism project.

c. Government Institutions

The Office engages relevant Government Institutions on financial matters, criminal law matters, job evaluations, approval of commensurate terms of service, and development of comprehensive regulations, amongst other areas of collaboration. For instance, the office engages parliamentary committees such as Justice and Legal Affairs Committee (JLAC) and the Parliamentary Accounts Committee (PAC).

d. Private Sector

The private sector consists of suppliers, corporate bodies, financial institutions and private sector business associations. The Office has engaged these stakeholders through acquisition of goods and services and partnering in mounting corporate social responsibility programmes.

e. Research & Training Institutions

Research and training institutions provide data on such concerns as crime trends in the country. They offer reviews on existing and proposed policies and legislation. They also support activities relating to the professional development of ODPP staff.

During the reporting period, the Office partnered with Strathmore University in the Public Policy Executive Programme (PPEP) to train senior management on policy development and implementation.

f. The Mwananchi

The *Mwananchi* are our primary stakeholders. As such, the Office is committed to continuously engaging the public through community dialogues and ODPP social media forums on various issues of interest in the criminal justice sector. This engagement has enabled effective and timely information sharing and sensitisation.

During the reporting period, the Office, in partnership with IJM, launched the Kayole Justice Centre. Further, in partnership with UNODC/PLEAD in Lamu, the Office engaged the public during the launch of the ODPP Boat *IV Adil*.

For a wider reach, the Office engages with the public through the ODPP Café on Facebook and YouTube, radio talk shows and TV interviews. Further, the ODPP, through its Communications Division, periodically disseminates information to the public and receives feedback on the same.



Kenyan children during a community engagement in Lamu

Media

The ODPP respects the freedom of the press and welcomes the media to undertake candid reporting on the Office's work and operations. During the reporting period, the Office attended a consultative meeting with the Media Sector Working Group where it sensitised them on its mandate.



ODPP Media engagement with the Kenya Media Sector Working Group

h. Professional Bodies

Professional bodies are important to the work of the ODPP as they instil professionalism in our staff by ensuring that professional standards are maintained by the respective members working at the ODPP through trainings, ongoing professional development/learning and enforcement of professional standards. These networks include the Law Society of Kenya, Institute of Certified Public Accountants of Kenya, Institute on Human Resource Management, Public Relations Society of Kenya and the Media Council of Kenya, among others.

2.6.2 Regional and International Cooperation

In the execution of its mandate, the ODPP plays a key role in the facilitation of Mutual Legal Assistance and Extraditions and has taken steps to strengthen its capacity for this task. This will ensure seamless regional and international cooperation in transnational and organised crimes.

During the reporting period, the Office secured a confirmation as a lead agency in extradition matters in the case of *DPP Vs Chrysanthus Barnabus Okemo and 4 others*, 2021 eKLR.

2.6.3 Professional Networks

The Office maintains collaborative engagements with prosecution authorities in other jurisdictions in the prosecution of criminal cases, sharing of information, consultative inter-agency conferences, workshops, and trainings. These professional networks include the East Africa Association of Prosecutors (EAAP), International Association of Prosecutors (IAP), and Africa Prosecutors Association (APA).

a) East Africa Association of Prosecutors (EAAP)

The ODPP is a member of EAAP which comprises prosecution authorities of Burundi, Kenya, Rwanda, South Sudan, Tanzania, Uganda, Ethiopia, DRC, Malawi, Mozambique and Zambia. The objective of the EAAP is to promote and facilitate cooperation amongst

Member States through the detection, investigation and prosecution of crimes in the region. Additionally, the Association offers legal assistance to its members.

Through the EAAP membership, the ODPP has been able to benefit from both formal and informal facilitation of its requests for Mutual Legal Assistance, Extradition and cooperation on matters of investigation and prosecution.

b) Africa Prosecutors Association

The ODPP is a member of the Africa Prosecutors Association. During the reporting period, members, including Kenya, convened to engage on ways and means of furthering the Association's objectives and to address the growing challenges facing prosecutors in Africa.

c) International Association of Prosecutors (IAP)

The ODPP is an active member of the International Association of Prosecutors and a regular participant in its monthly and annual general meetings. The IAP was established to combat the rapid growth in transnational crimes like drug trafficking, money laundering and fraud.

During the reporting period, the IAP held monthly virtual meetings in which the Office participated in. These meetings deliberated on a broad range of topics including: international fraud, development of guidelines for the conduct of Electronic Meetings, international cooperation during the COVID-19 pandemic, the fight against transnational cybercrime, consumer protection, and data privacy.



TALK TO US

Tel: 020 273 2090/020 273
2240/020 271 5833

Mobile: 0787880580

Fax: +254 2 2243524/2251808

Email: info@odpp.go.ke



Through the EAAP membership, the ODPP has been able to benefit from both informal and formal requests for mutual legal assistance and cooperation on matters of investigation and prosecution.

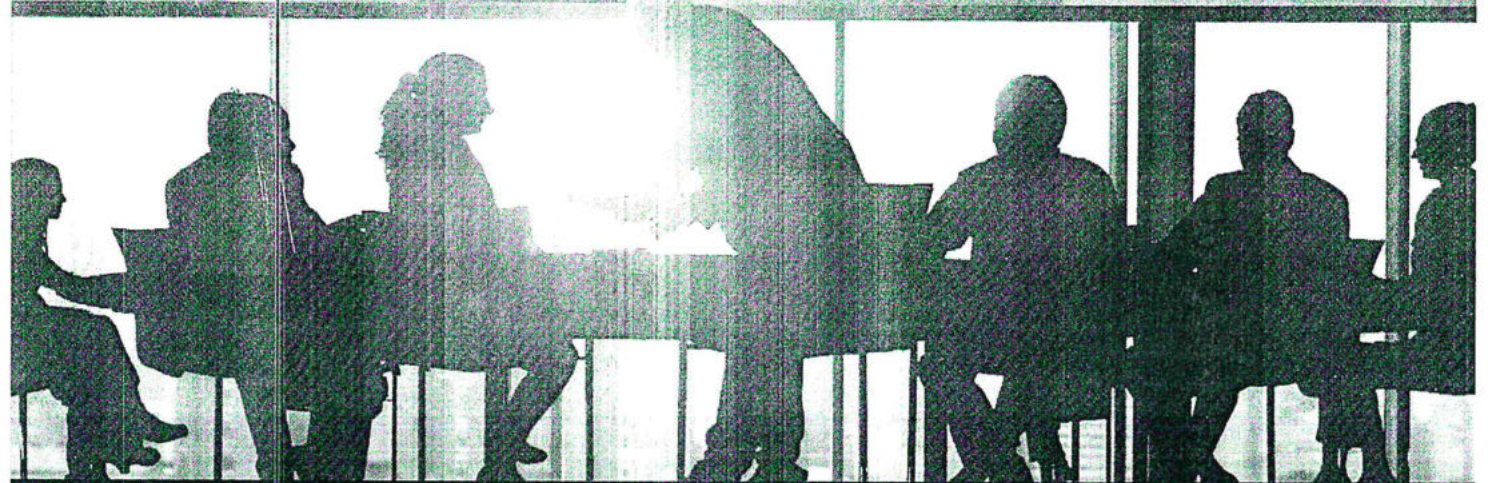
DATA

44.1 %

29.0 %

3.4 %

9.0 %



CHAPTER THREE PROSECUTION PERFORMANCE

3.1 PERFORMANCE OVERVIEW

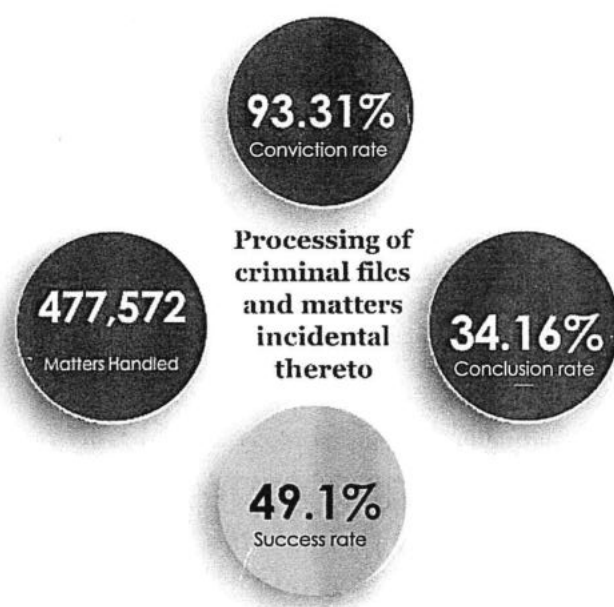
The ODPP is mandated to exercise state powers of prosecution and to perform functions incidental thereto. This chapter presents an analysis of the ODPP's performance on the execution of its mandate. The chapter sets out a summary of vital statistics and noteworthy cases handled during the reporting period.

3.1.1 Prosecution Summary Statistics

During the reporting period, the Office handled **477,572** matters. Of these, criminal cases were 448,762 with a conviction rate of **93.31%** and a conclusion rate of **34.16%**. Criminal Appeals and Applications stood at 17,399, Extradition and Mutual Legal Assistance were 22, Advice files were 7,843 and Complaints were 3,546.

Diversion and plea bargain agreements are key strategies being promoted by the Office to achieve access to justice. During the period, **2,180** cases were diverted from prosecutions and **1,702** were resolved through plea bargaining agreements. **Figure 3.1** highlights the four key performance measures.

Figure 3.1 Illustrates the measure of these key indicators



3.1.2 Caseload Analysis

During the reporting period, there was a 44.94% increase in caseload up from 329,485 matters in 2019/2020, to 477,572 matters in 2020/2021. Over the last five years, the matters handled increased from 326,585 in 2016/2017

to 477,572 in 2020/2021. The year 2018/2019 recorded the lowest number of matters handled in the five year period while 2020/2021 recorded the highest number. Table 3.1 illustrates a breakdown of matters handled over the five-year period.

Table 3.1: Trend analysis of matters handled in the last five years

| Description | 2016/2017 | 2017/2018 | 2018/2019 | 2019/2020 | 2020/2021 |
|-----------------------|----------------|----------------|----------------|----------------|----------------|
| Criminal Trial | 290,129 | 310,591 | 291,053 | 310,313 | 448,762 |
| Criminal Appeals | 12,549 | 13,562 | 10,575 | 8,957 | 10658 |
| Criminal Applications | 18,499 | 8,761 | 6,342 | 5,329 | 6741 |
| Extradition & MLA | * | * | * | 28 | 22 |
| Advice Files | 3,164 | 2,911 | 2,658 | 2,730 | 7843 |
| Complaints | 2,187 | 1,417 | 2,527 | 2,128 | 3546 |
| TOTAL | 326,585 | 337,242 | 313,155 | 329,485 | 477,572 |

During the year under review, criminal trials accounted for 448,762 out of 477,572 matters which represents 94.19% of all matters handled.

The caseload for individual prosecutors continued to increase from an average of 524 cases per Prosecution Counsel in 2016/2017 to 627 cases per Prosecution Counsel in 2020/2021. This translates to a high caseload per Prosecution Counsel, which constrains the prosecutors.

1.3 Analysis of Trial Cases

Criminal trials are undertaken at the High Court and

the Magistrates' Courts. However, murder cases are exclusively tried at the High Court.

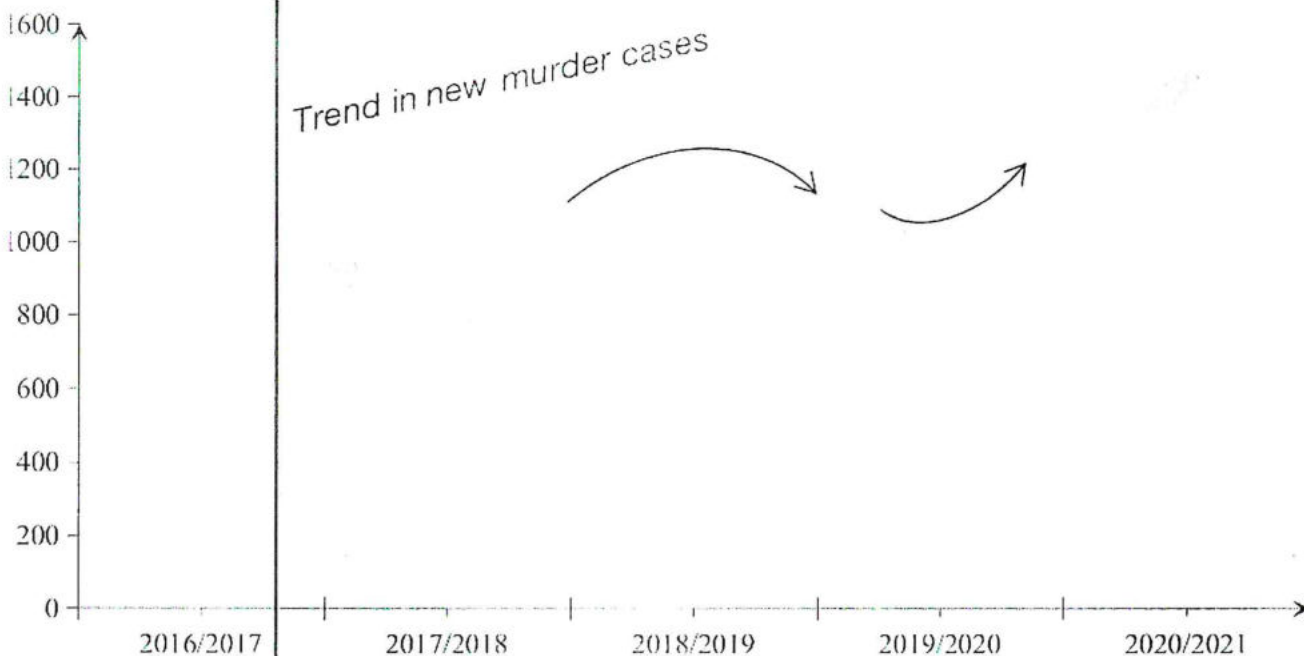
3.1.3.1 Trial of Murder Cases

A total of 1,460 murder cases were filed in court in 2020/2021. This was an increase of 45.56% from the 1,003 cases filed in 2019/2020 and 61.14% from the 898 cases filed in 2016/2017. The year 2020/2021 recorded the highest number of cases filed in court over last five reporting periods. Table 3.2 and figure 3.2 illustrate the murder cases filed in courts over the five-year period.

Table 3.2: Murder Cases Filed between 2016/2017-2020/2021

| Description | 2016/2017 | 2017/2018 | 2018/2019 | 2019/2020 | 2020/2021 |
|--------------------|-----------|-----------|-----------|-----------|-----------|
| Murder Cases Filed | 898 | 938 | 1,154 | 1,003 | 1,460 |

Figure 3.2: Trends in murder cases filed between 2016/2017-2020/2021



Urobi, South Rift and Nyanza regions recorded the highest number of murder cases filed in court during the period at 305, 247, and 223 respectively. North Eastern,

Coast and Central regions recorded the least number of murder cases filed at 25, 85 and 120 respectively.

Table 3.3: Murder cases filed per region during FY 2020/2021

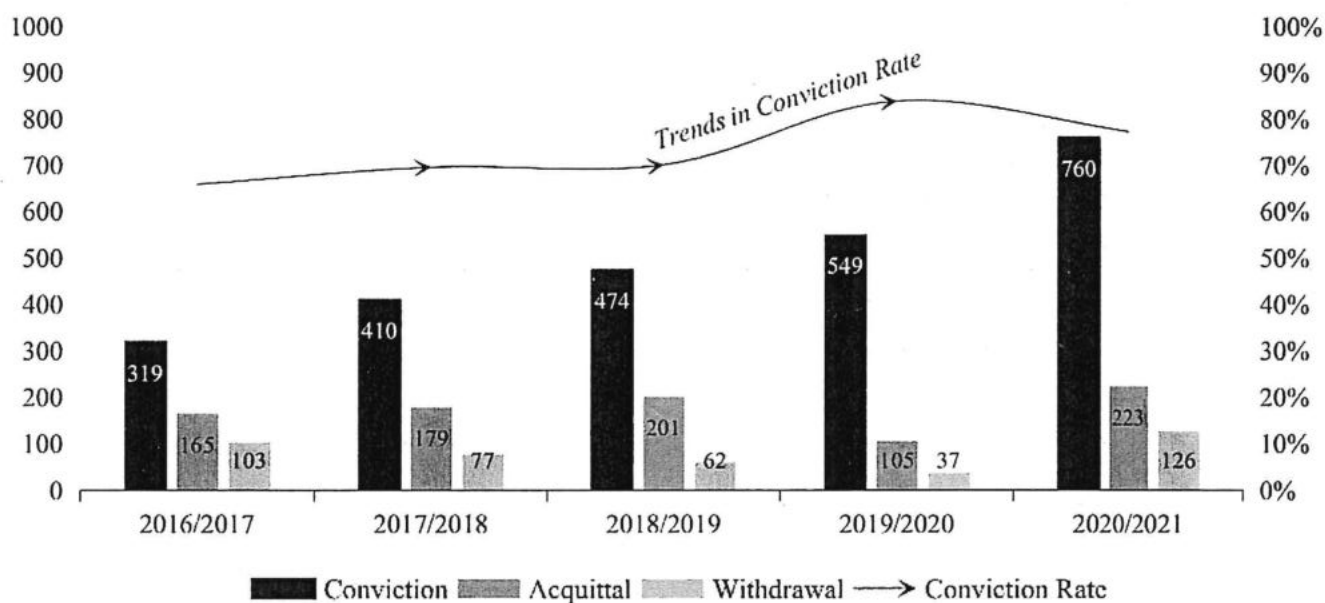
| Region | Coast | North Eastern | Lower Eastern | Central | South Rift | North Rift | Western | Nyanza | Nairobi | Total |
|--------|-------|---------------|---------------|---------|------------|------------|---------|--------|---------|-------|
| Filed | 85 | 25 | 220 | 120 | 180 | 147 | 154 | 223 | 305 | 1,460 |

During the reporting period, a total of 1,095 murder cases were concluded with 740 cases being convictions, 227 acquittals and 128 withdrawals. A conviction rate of 76.53% was achieved during the period. Over the five-year

period, the conviction rate rose from 65.9% in 2016/2017 to a high of 83.394% in 2019/2020 and dropped to 76.53% in 2020/2021. Table 3.4 and Figure 3.3 illustrate outcome of murder cases concluded over the five year period.

Table 3.4: Trend in concluded murder Cases

| Description | 2016/2017 | 2017/2018 | 2018/2019 | 2019/2020 | 2020/2021 |
|-----------------|-----------|-----------|-----------|-----------|-----------|
| Conviction | 319 | 410 | 474 | 549 | 740 |
| Acquittal | 165 | 179 | 201 | 105 | 227 |
| Withdrawal | 103 | 77 | 62 | 37 | 128 |
| Conviction Rate | 65.91% | 69.61% | 70.22% | 83.94% | 76.53% |

Figure 3.3: Trends in Murder Cases concluded

Lower Eastern, Nyanza and South Rift regions recorded the highest numbers of murder cases concluded during the reporting period at 237, 206, and 147 respectively

whereas North Eastern, Central and Coast recorded the least number of murder cases concluded at 0, 46 and 77 respectively.

Table 3.5: Prevalence of Murder Cases per Region

| Region | Convictions | Acquittals | Withdrawals |
|---------------------|-------------|------------|-------------|
| Coast | 64 | 9 | 4 |
| North Eastern | - | - | - |
| Lower Eastern | 162 | 68 | 7 |
| Central | 37 | 5 | 3 |
| South Rift | 100 | 26 | 21 |
| North Rift | 90 | 14 | 10 |
| Western | 42 | 47 | 55 |
| Nyanza | 154 | 32 | 20 |
| Nairobi | 90 | 26 | 8 |
| Murder Cases | 740 | 227 | 128 |

3.1.3.2 Trial of criminal offences at the magistrates' courts

A total of 183,623 criminal trial cases were filed at the magistrates' courts in 2020/2021. This was an increase of 19.52% compared to cases filed in 2019/2020 and 18.43%

compared to cases filed in 2016/2017. The 2020/2021 period recorded the highest number of cases filed at the magistrates' courts over the last five-year period. Table 3.6 and Figure 3.4 illustrate the cases filed at the magistrates' courts over the period.

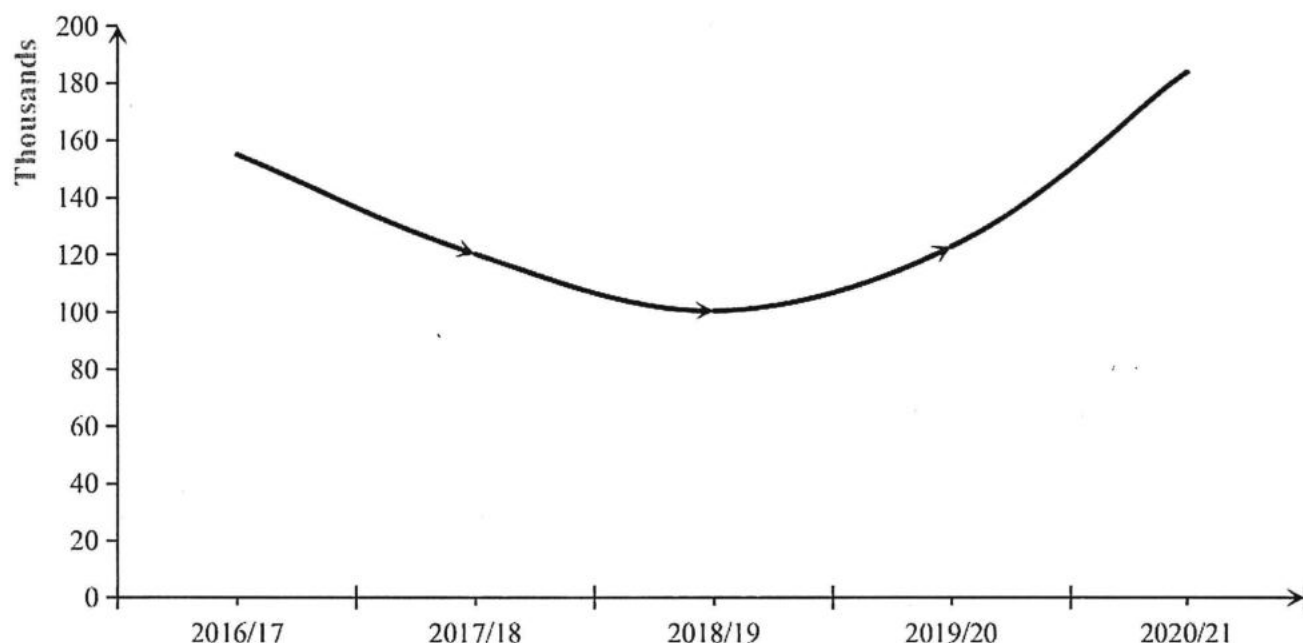
Table 3.6: Trial Cases Filed between 2016/2017-2020/2021

| Description | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|--------------------------------------|---------|---------|---------|---------|---------|
| Criminal Trials at Magistrate Courts | 155,051 | 120,231 | 100,477 | 122,807 | 183,623 |

183,623

Total number of criminal
trial cases filed at the
magistrates' courts in
2020/2021

The 2020/2021 period recorded the highest number of cases filed at the magistrates' courts over the last five reporting periods.

Figure 3.4: Trends in Trial Cases Filed

Nairobi, South Rift, and Coast regions led in the number of criminal cases filed at the magistrates' courts, at 39,084; 32,564; and 22,126 respectively. North Rift, Lower Eastern, and North Eastern regions recorded the least number of criminal cases filed at the magistrates' courts at 14,646, 14,147, and 4,296 respectively.

Table 3.7 Number of cases filed per region

| Region | Filed |
|---------------|----------------|
| Coast | 22,126 |
| North Eastern | 4,296 |
| Lower Eastern | 14,147 |
| Central | 17,397 |
| South Rift | 32,564 |
| North Rift | 14,646 |
| Western | 19,756 |
| Nyanza | 19,607 |
| Nairobi | 39,084 |
| Total | 183,623 |

A total of 153,292 criminal cases were concluded at the magistrates' courts during the reporting period. Of these, a total of 125,709 cases ended in convictions, 8,833 ended in acquittals, 16,570 were withdrawn, and 2,180 were diverted.

A conviction rate of 93.43% on cases handled at the magistrates' courts was realised during the reporting period. This is a remarkable achievement against the Office's set target of a 90% conviction rate. The conviction rate during the reporting period increased by 0.65% from the 92.78% attained in 2019/2020 and by 0.95% from the 92.48% attained in 2016/2017. Table 3.8 and Figure 3.5 illustrate the outcome of cases concluded at the magistrates' courts over the five year period.

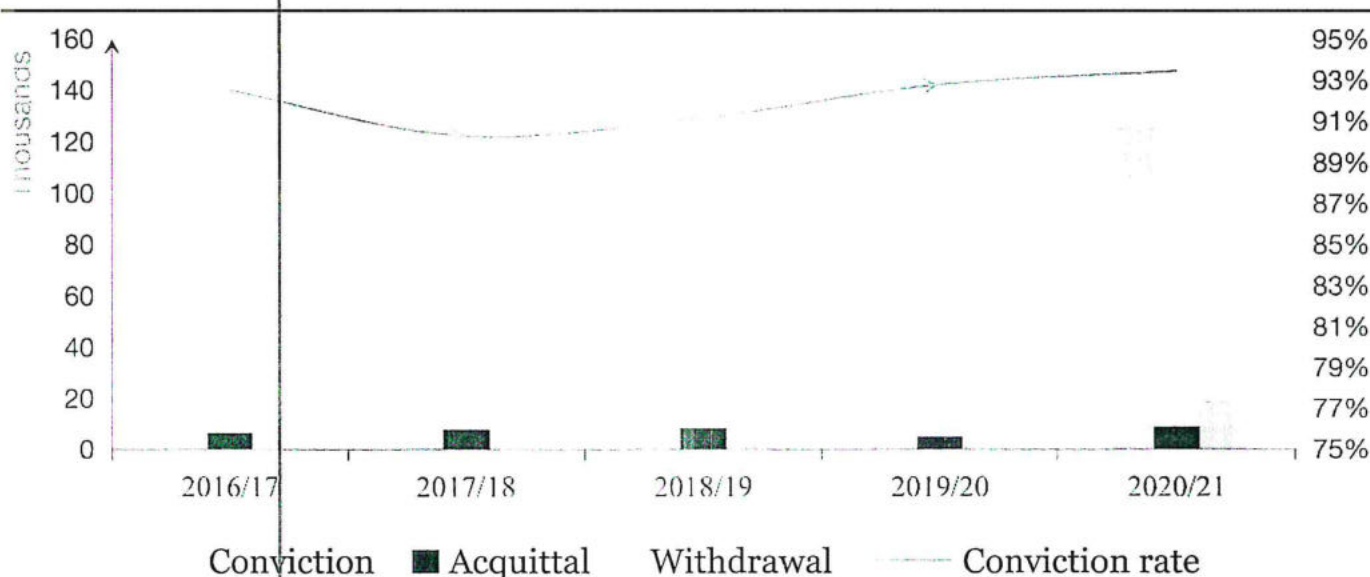
153,292

Total number of criminal cases concluded at the magistrates' courts during the reporting period

Table 3.8: Criminal Cases Concluded during the period 2016/2017-2020/2021

| Description | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|-----------------|---------|---------|---------|---------|---------|
| Conviction | 81,502 | 71,647 | 84,947 | 63,008 | 125,709 |
| Acquittal | 6,626 | 7,698 | 8,221 | 4,904 | 8,833 |
| Withdrawal | 12,046 | 11,188 | 10,645 | 8,609 | 18,750 |
| Conviction Rate | 92.48% | 90.30% | 91.18% | 92.78% | 93.43% |

Figure 3.5: Criminal Cases Concluded during the period 2016/2017-2020/2021



South Rift, Nairobi, and Western regions recorded the highest numbers of cases finalized at the magistrates' courts at 32,455; 31,445, and 19,328 respectively. Lower

Eastern, North Rift and North Eastern regions recorded the least number of criminal cases concluded at the magistrate's court, at 11,527, 9,047, and 2,943 respectively.

93.43%

Conviction Rate for criminal matters handled at the Magistrates' courts during the reporting period

South Rift, Nairobi, and Western regions had the highest conclusion rate of cases finalised at the magistrates' courts respectively

Table 3.9: Outcomes of concluded cases at Magistrates' Courts per Region

| Region | Outcomes of Concluded Cases | | | | | |
|---------------|-----------------------------|---------------|----------------|-----------------------------|--------------|---------------|
| | Diversion | Guilty Pleas | Plea Bargained | Conviction after full Trial | Acquittals | Withdrawals |
| Coast | 557 | 9,733 | 139 | 2,945 | 605 | 1,383 |
| North Eastern | 1 | 2,200 | - | 144 | 59 | 539 |
| Lower Eastern | 88 | 4,543 | 421 | 3,831 | 1,176 | 1,468 |
| Central | 175 | 7,903 | 58 | 3,706 | 691 | 2,265 |
| South Rift | 1,190 | 13,339 | 5 | 15,200 | 781 | 1,940 |
| North Rift | 14 | 5,602 | 535 | 1,196 | 498 | 1,202 |
| Western | 45 | 8,510 | 16 | 5,544 | 2,288 | 2,925 |
| Nyanza | 27 | 11,054 | 99 | 2,649 | 1,104 | 1,454 |
| Nairobi | 83 | 22,423 | 60 | 3,854 | 1,631 | 3,394 |
| Total | 2,180 | 85,307 | 1,333 | 39,069 | 8,833 | 16,570 |

3.1.4 Analysis of Select Categories of Offences

The most prevalent offences filed in court during the reporting period were traffic, COVID-19 and alcohol related offences, assault, stealing and sexual offences.

3.1.4.1 Homicide Cases & related matters

Homicide cases include offences relating to murder, manslaughter, infanticide, procuring abortion, concealing birth, aiding suicide, and causing death by dangerous driving. During the period under review, 5,509 cases were filed in courts which was an increase of 113% from 2,586 homicide related cases filed during the 2019/2020 period.

5,509

Total homicide and related matters filed in court for the reporting period

Table 3.10 Homicide cases & related matters filed during the 2020/2021 reporting period.

| Offence | Filed |
|---|--------------|
| Murder | 1,460 |
| Manslaughter | 339 |
| Attempted Murder | 278 |
| Threat to kill | 2,004 |
| Conspiracy to Murder | 28 |
| Infanticide | 51 |
| Procuring Abortion | 51 |
| Concealing Birth | 74 |
| Aiding Suicide | 33 |
| Attempted suicide | 101 |
| Causing death by dangerous driving or obstruction | 1,090 |
| Sub-total | 5,509 |

In 2020/2021, threat to kill, murder and causing death by dangerous driving constituted the top three highest homicide related offences filed in court whereas conspiracy to murder, aiding suicide, infanticide and

legally procuring abortion offences recorded the least number of cases filed. The highest recorded offences were 1,004, 1,460 and 1,090 cases filed.

A total of 3,648 cases were concluded during the reporting period with a conviction rate of 82.74%. This conviction

rate is a 0.78% improvement on the 81.96% attained during the 2019/2020 period. Table 3.11 illustrates the number of homicide related cases concluded during the period 2020/2021.

Table 3.11 Outcome of concluded homicide cases during the 2020/2021 reporting period

| Offence | Diversion | Guilty Pleas | Plea Bargain Agreement | Full Trial Conviction | Acquittal | Withdrawal |
|---|-----------|--------------|------------------------|-----------------------|------------|------------|
| Murder | - | 30 | 315 | 395 | 227 | 128 |
| Manslaughter | - | 20 | 1 | 131 | 22 | 17 |
| Attempted Murder | - | 9 | - | 74 | 18 | 30 |
| Threat to kill | 34 | 159 | 13 | 452 | 147 | 393 |
| Conspiracy to Murder | - | 2 | - | 16 | 11 | 3 |
| Infanticide | 4 | 5 | 1 | 10 | 2 | 7 |
| Procuring Abortion | 2 | 6 | - | 37 | 5 | 7 |
| Concealing Birth | 1 | 5 | - | 68 | 3 | 5 |
| Aiding Suicide | - | 1 | - | 5 | 1 | 1 |
| Attempted suicide | 1 | 17 | 4 | 76 | 11 | 17 |
| Causing death by dangerous driving or obstruction | 2 | 201 | 9 | 532 | 94 | 161 |
| Sub-total | 44 | 455 | 343 | 1,796 | 541 | 769 |

3.1.4.2 Sexual Offences

During the reporting period, 11,366 sexual offences cases were filed in court. Defilement, indecent act with child, attempted defilement and rape accounted for the bulk of the cases filed in court at 6,467, 1,329, 1,024 and 846 respectively. The conviction rate under this category of

cases increased by 1.64% from 78.5% in 2019/2020 to 80.14% in 2020/2021. Table 3.12 illustrates the number of sexual related cases filed in court and Table 3.13 illustrates the outcome of concluded sexual related cases during the period 2020/2021.

11,366

**Total Sexual offences cases
filed in court for FY 2020/2021**

Defilement, indecent act with child,
attempted defilement and rape accounted
for the bulk of these cases

Table 3.12 Number of sexual offences filed in court during the period 2020/2021

| Offence | Filed |
|--|---------------|
| Rape | 846 |
| Attempted Rape | 480 |
| Defilement | 6,467 |
| Attempted Defilement | 1,024 |
| Gang Rape | 228 |
| Incest | 435 |
| Sexual assault | 266 |
| Bestiality | 22 |
| Bigamy | 6 |
| Deliberate HIV Transmission | 22 |
| Trafficking for Sexual Exploitation | 3 |
| Child Prostitution/ Tourism/ Pornography | 28 |
| Indecent act with child | 1,329 |
| Unnatural offences | 65 |
| Other Offences related to mortality | 145 |
| Sub-total | 11,366 |

6,467

**Total Defilement cases
filed in court for FY
2020/2021**

1,329

**Total indecent acts with
child cases filed in court
for FY 2020/2021**

1,024

**Total attempted
defilement cases filed in
court for FY 2020/2021**

3.13: Outcome of concluded sexual offences cases

| Offence | Diversion | Guilty Pleas | Full Trial Conviction | Acquittal | Withdrawal |
|--|------------|--------------|-----------------------|------------|--------------|
| Rape | - | 25 | 453 | 60 | 105 |
| Attempted Rape | - | 8 | 208 | 66 | 77 |
| Defilement | 70 | 102 | 1,656 | 475 | 634 |
| Attempted Defilement | 13 | 46 | 305 | 128 | 111 |
| Gang Rape | - | 1 | 98 | 27 | 33 |
| Incest | - | 9 | 192 | 29 | 51 |
| Sexual assault | - | 23 | 84 | 43 | 20 |
| Bestiality | 1 | 1 | - | - | - |
| Bigamy | - | - | - | - | - |
| Deliberate HIV Transmission | - | - | 2 | - | 2 |
| Trafficking for Sexual Exploitation | - | - | 1 | - | 3 |
| Child Prostitution/ Tourism/ Pornography | - | - | 4 | 1 | 6 |
| Indecent act with child | 23 | 18 | 600 | 137 | 259 |
| Unnatural offences | - | 1 | 9 | 1 | 8 |
| Other Offences related to mortality | 2 | 67 | 13 | 6 | 7 |
| Sub-total | 109 | 301 | 3,625 | 973 | 1,316 |

3.1.4.3 Female Genital Mutilation (FGM) Cases

Offences relating to Female Genital Mutilation (FGM) include conducting FGM, aiding and abetting FGM, procuring a person to perform FGM, use of premises to perform FGM, failure to report FGM, use of derogatory language, and subjecting a child to harmful cultural practices. A total of 495 cases were filed during the reporting period. Aiding and abetting, use of derogatory language, and conducting FGM recorded the three highest cases in this category filed in court at 202, 124 and 76. A conviction rate of 85.81% was attained in this category of offences in 2020/2021, a 3.3% decrease from the 89.13% achieved in 2019/2020. Table 3.14 illustrates the number of offences relating to Female Genital Mutilation (FGM) filed in court and Table 3.15 illustrates the outcome of concluded FGM cases during the period 2020/2021.

Table 3.14 Number of Female Genital Mutilation (FGM) cases filed in court during the period 2020/2021

| Offences | Filed |
|--|------------|
| Conducting FGM | 76 |
| Aiding and abetting FGM | 202 |
| Procuring a person to perform FGM | 7 |
| Use of premises to perform FGM | 16 |
| Failure to report FGM | 23 |
| Use of derogatory language | 124 |
| Subjecting a child to harmful cultural practices | 47 |
| Sub-total | 495 |

Table 3.15: Outcome of concluded FGM cases during the period 2020/2021

| Offences | Guilty Pleas | Full Trial Conviction | Acquittal | Withdrawal |
|--|--------------|-----------------------|-----------|------------|
| Conducting FGM | 12 | 12 | 11 | 1 |
| Aiding and abetting FGM | 160 | 10 | 2 | 2 |
| Procuring a person to perform FGM | 4 | 3 | - | - |
| Use of premises to perform FGM | 12 | 1 | - | - |
| Failure to report FGM | 1 | 1 | - | - |
| Use of derogatory language | 32 | - | 28 | 13 |
| Subjecting a child to harmful cultural practices | 3 | 3 | 1 | 6 |
| Sub-total | 224 | 30 | 42 | 21 |

3.1.4.4 Offences relating to Wildlife

Offences relating to wildlife filed in court during the reporting period increased by 448 cases from 203 cases filed in 2019/2020 to 651 cases in 2020/2021. The conviction rate increased by 3.61% from 88.81% in 2019/2020 to 92.42% in 2020/2021. Table 3.16 illustrates the number of offences relating to wildlife cases that were filed in court and Table 3.17 illustrates the outcome of the concluded cases during the period 2020/2021.

Table 3.16 Number of cases relating to wildlife offences filed during the period 2020/2021.

| Offences | Filed |
|---|------------|
| Possession/ dealing/ manufacturing a wild-life trophy | 223 |
| Other offences related to wildlife | 428 |
| Sub-total | 651 |

3.17 Outcome of concluded wildlife cases during the 2020/2021 period

| Offences | Diversion | Guilty Pleas | Plea Bargain Agreement | Full Trial Conviction | Acquittal | Withdrawal |
|--|-----------|--------------|------------------------|-----------------------|-----------|------------|
| Possession/ dealing/ manufacturing a wildlife trophy | - | 29 | 11 | 48 | 13 | 12 |
| Other offences related to wildlife | 4 | 196 | 41 | 65 | 19 | 22 |
| Sub-total | 4 | 225 | 52 | 113 | 32 | 34 |

3.1.4.5 Incitement to Violence and Hate speech Crimes

Incitement to violence/disobedience of law, hate speech, and ethnic contempt offences filed in court during the 2020/2021 period were 49. Incitement and hate speech cases filed in court during the 2020/2021 period increased by 68 cases from the 53 cases filed in 2019/2020, to 121 cases in 2020/2021. The conviction rate for the period stood at 77.78%. Table 3.18 illustrates the number of incitement to violence and hate speech cases filed in court and Table 3.19 illustrates the outcome of incitement to violence and hate speech cases during the period 2020/2021.

Table 3.18: Number of Incitement to Violence and Hate Speech Cases filed during 2020/2021

| Offences | Filed |
|---|------------|
| Incitement to violence/ disobedience of law | 77 |
| Hate speech | 1 |
| Ethnic contempt | 1 |
| Other offences relating to incitement and hate speech | 42 |
| Sub-total | 121 |

Table 3.19 Outcome of concluded violence and hate speech cases during 2020/2021

| Offences | Conviction | Acquittal | Withdrawal |
|---|------------|-----------|------------|
| Incitement to violence/ disobedience of law | 14 | 5 | 10 |
| Hate speech | 2 | - | 1 |
| Ethnic contempt | - | - | - |
| Other offences relating to incitement and hate speech | 5 | 1 | 1 |
| Sub-total | 21 | 6 | 12 |

3.1.4.6 Human Trafficking and Related Cases

During the reporting period, illegally facilitating entry into or exit out of country, trafficking in persons, and child trafficking were the most prevalent offences relating to human trafficking and related cases filed in court at 133, 67 and 17 respectively. The total cases filed during the reporting period increased by 81 cases from 174 cases filed in 2019/2020 to 255 cases in 2020/2021. The Conviction rate was 95.51%. This was a 1.82% decrease from the 97.33% conviction rate attained in 2019/2021. Table 3.20 illustrates the number of human trafficking cases filed in court and Table 3.21 illustrates the outcome of concluded human trafficking and related cases during the period 2020/2021.

Table 3.20: Number of human trafficking and related cases filed during the 2020/2021 reporting period

| Offence | Filed |
|---|------------|
| Trafficking in persons | 67 |
| Child trafficking | 17 |
| Promotion of trafficking in persons | 3 |
| Acquisition of travel documents, fraud or misrepresentation | 5 |
| Facilitating entry into or exit out of country | 133 |
| Trafficking in persons for organized crime | 4 |
| Other offences relating to human trafficking | 26 |
| Sub-total | 255 |

Table 3.21 Outcome of concluded human trafficking and related cases during the 2020/2021 reporting period

| Offence | Conviction | Acquittal | Withdrawal |
|---|------------|-----------|------------|
| Trafficking in persons | 18 | 2 | 8 |
| Child trafficking | 6 | 1 | 3 |
| Promotion of trafficking in persons | - | 2 | 1 |
| Acquisition of travel documents, fraud or misrepresentation | - | 1 | 1 |
| Facilitating entry into or exit out of country | 111 | 1 | 3 |
| Trafficking in persons for organised crime | 1 | - | - |
| Other offences relating to human trafficking | 13 | - | 1 |
| Sub-total | 149 | 7 | 17 |

3.1.4.7 Corruption and Economic Crimes

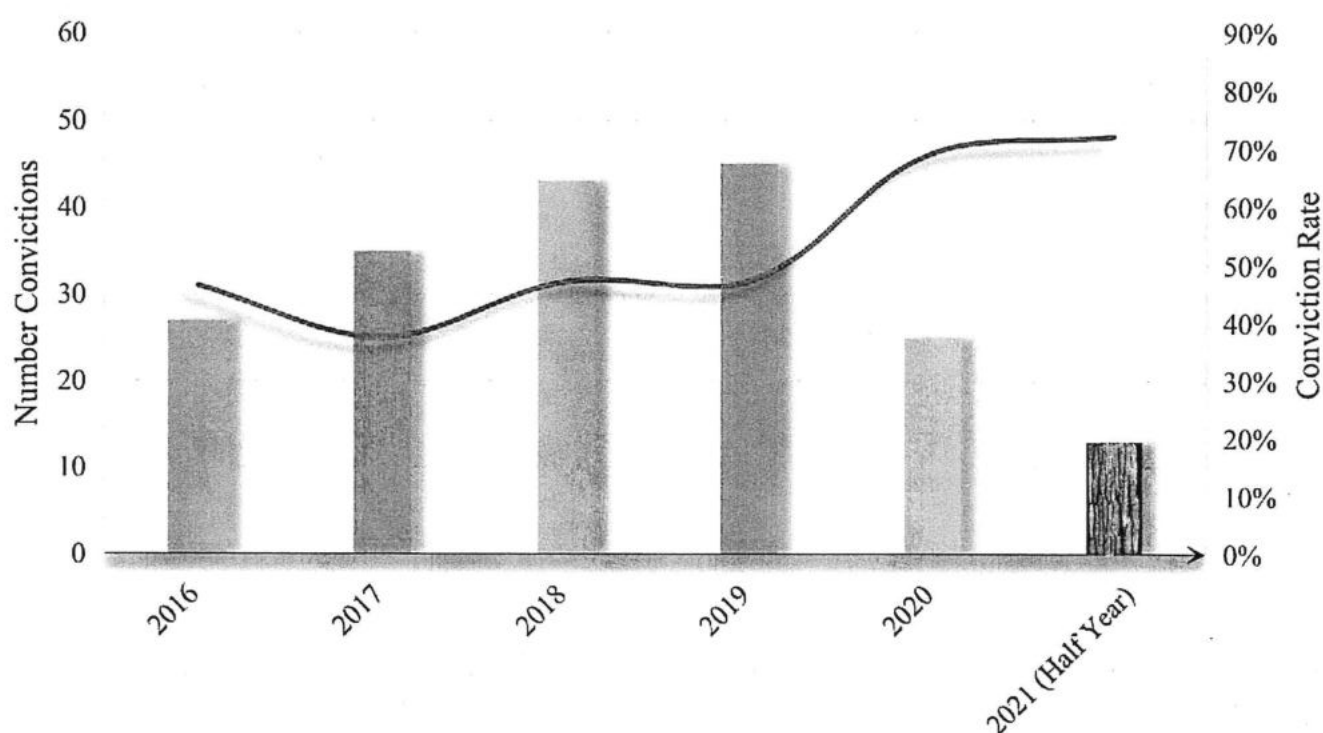
The fight against corruption continued to be a focus area for the Office. A total of 25 cases were filed in court in first half of 2021. Table 3.22 illustrates the number of anti-corruption and economic crimes cases filed in court and Table 3.23 illustrates the outcome and conviction rate of the concluded anti-corruption and economic crimes cases during the 2020/2021 period. Figure 3.6 illustrates the trends in conviction rate from 2015 to June 2021.

Table 3.22: Number of Anti-Corruption and economic Cases filed from 2018 to June 2021

| Year | Cases Filed |
|------------------|-------------|
| 2021 (Half Year) | 25 |
| 2020 | 67 |
| 2019 | 78 |
| 2018 | 116 |

Table 3.23 Outcome of concluded anti-corruption and economic cases during the period 2020/2021

| Description | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 (Half Year) |
|------------------------|---------------|---------------|---------------|---------------|---------------|------------------|
| Conviction | 27 | 35 | 43 | 45 | 25 | 13 |
| Acquittal | 32 | 58 | 48 | 50 | 11 | 5 |
| Withdrawal | 6 | 67 | 24 | 8 | 4 | 5 |
| Conviction Rate | 46.55% | 37.63% | 47.25% | 47.37% | 69.44% | 72.22% |

Figure 3.6: Trends in the conviction rates from 2015 to June 2021

3.1.4.8 Offences Relating to Property

The number of offences relating to property cases filed in court during the reporting period was 27,431. Table 3.24 illustrates the number of offences relating to property filed in court and Table 3.25 illustrates the outcome of concluded property offence cases during the period 2020/2021.

Table 3.24 Number of offences relating to property filed during the 2020/2021 period

| Offences | Filed |
|------------------------------|---------------|
| Obtaining by False Pretence | 2,759 |
| Robbery | 3,183 |
| Breaking and Burglary | 4,681 |
| Stealing | 11,885 |
| Malicious damage to property | 4,923 |
| Obtaining by false pretences | 2,759 |
| Sub-total | 27,431 |

Table 3.25 Outcome of concluded offences relating to property during the 2020/2021 period

| Offence | Conviction | Acquittal | Withdrawal | Conviction Rate (%) |
|---|--------------|--------------|--------------|---------------------|
| Robbery & Extortions | 1,087 | 207 | 408 | 84.0 |
| Burglary & breakings | 2,357 | 308 | 840 | 88.4 |
| Unlawful damage to property/ Causing Injury to Property | 2,320 | 333 | 937 | 87.4 |
| Obtaining by False Pretence | 910 | 178 | 645 | 83.6 |
| TOTAL | 6,674 | 1,026 | 2,830 | 86.7 |

CRIMINAL CASES FILED PER COUNTY AT THE MAGISTRATE'S COURT

Table 3.26 Criminal Cases filed per county at the Magistrate's Court FY 2020/2021

| County | Filed |
|--------------|--------|
| Siaya | 11,958 |
| Wajir | 1,115 |
| Meru | 3,262 |
| Kenya River | 779 |
| Uasin | 1,389 |
| Uasin Taveta | 3,623 |
| Uasin | 1,994 |
| Uasin | 881 |
| Uasin | 618 |
| Uasin | 803 |
| Uasin | 1,744 |
| Uasin | 1,027 |
| Uasin | 6,899 |
| Uasin Nithi | 2,290 |
| Uasin | 2,187 |
| Uasin | 2,206 |
| Uasin | 4,322 |
| Uasin | 5,822 |
| Uasin | 5,047 |
| Uasin | 15,358 |
| Uasin | 5,460 |
| Uasin | 1,821 |
| Uasin | 1,136 |
| Uasin | 6,623 |

| County | Filed |
|--------------|----------------|
| Bomet | 2,166 |
| Uasin Gishu | 3,334 |
| Turkana | 1,283 |
| West Pokot | 1,304 |
| Samburu | 777 |
| Trans Nzoia | 1,562 |
| Elgeyo M. | 736 |
| Nandi | 5,650 |
| Kakamega | 8,739 |
| Vihiga | 2,702 |
| Bungoma | 3,787 |
| Busia | 4,528 |
| Kisumu | 2,129 |
| Siaya | 8,196 |
| Homa Bay | 2,218 |
| Migori | 3,622 |
| Kisii | 1,839 |
| Nyamira | 1,603 |
| Nairobi | 10,569 |
| Machakos | 10,630 |
| Makueni | 3,200 |
| Kiambu | 12,332 |
| Kajiado | 2,353 |
| Total | 183,623 |

3.1.5 Appeals & Applications

Appeals handled by the Office include appeals from the magistrates' courts to the High Court, from the High Court to the Court of Appeal, from the Court of Appeal to the Supreme Court. A total of 10,658 appeals were handled during the 2020/2021 period, of these, 2,775 were fresh appeals lodged/filed. 2,310 appeals were concluded, 982 dismissed, 881 allowed and 447 withdrawn.

Further, the Office handled applications which consisted of constitutional petitions, interlocutory applications, judicial review applications, revisions, advisory opinions, and bail and bond applications, among others. These applications were handled in the High Court, Court of Appeal and Supreme Court. A total of 6,741 applications were handled, 4,673 being fresh matters lodged during the reporting period. A total of 2,483 were concluded: 1,017 dismissed, 1,188 allowed and 278 withdrawn. Table 3.27 illustrates the appeals and applications handled

during the reporting period and Table 3.28 illustrates the outcome of the concluded appeals and applications.

Table 3.27: Number of Appeals and Applications handled during the 2020/2021 period

| Case Type | New |
|----------------------------|--------------|
| Appeals | 2,775 |
| Petitions | 4 |
| Constitutional Petitions | 539 |
| Judicial Reviews | 244 |
| Revisions | 1,659 |
| Advisory Opinions | - |
| Miscellaneous Applications | 2,227 |
| Total | 7,448 |

Table 3.28 Outcome of the concluded appeals and applications

| Case Type | Outcome of Concluded Cases | | |
|----------------------------|----------------------------|--------------|------------|
| | Dismissed | Allowed | withdrawn |
| Appeals | 982 | 881 | 447 |
| Petitions | 1 | 1 | - |
| Constitutional Petitions | 217 | 145 | 47 |
| Judicial Reviews | 28 | 6 | 14 |
| Revisions | 296 | 456 | 51 |
| Advisory Opinions | - | - | - |
| Miscellaneous Applications | 475 | 580 | 166 |
| Total | 1,999 | 2,069 | 725 |

7,448

Total number of appeals and applications filed during the reporting period

Appeals handled by the Office include: appeals from the magistrates' courts to the High Court, or from the High Court to the Court of Appeal, or from the Court of Appeal to the Supreme Court.

1.6 Staff Complement

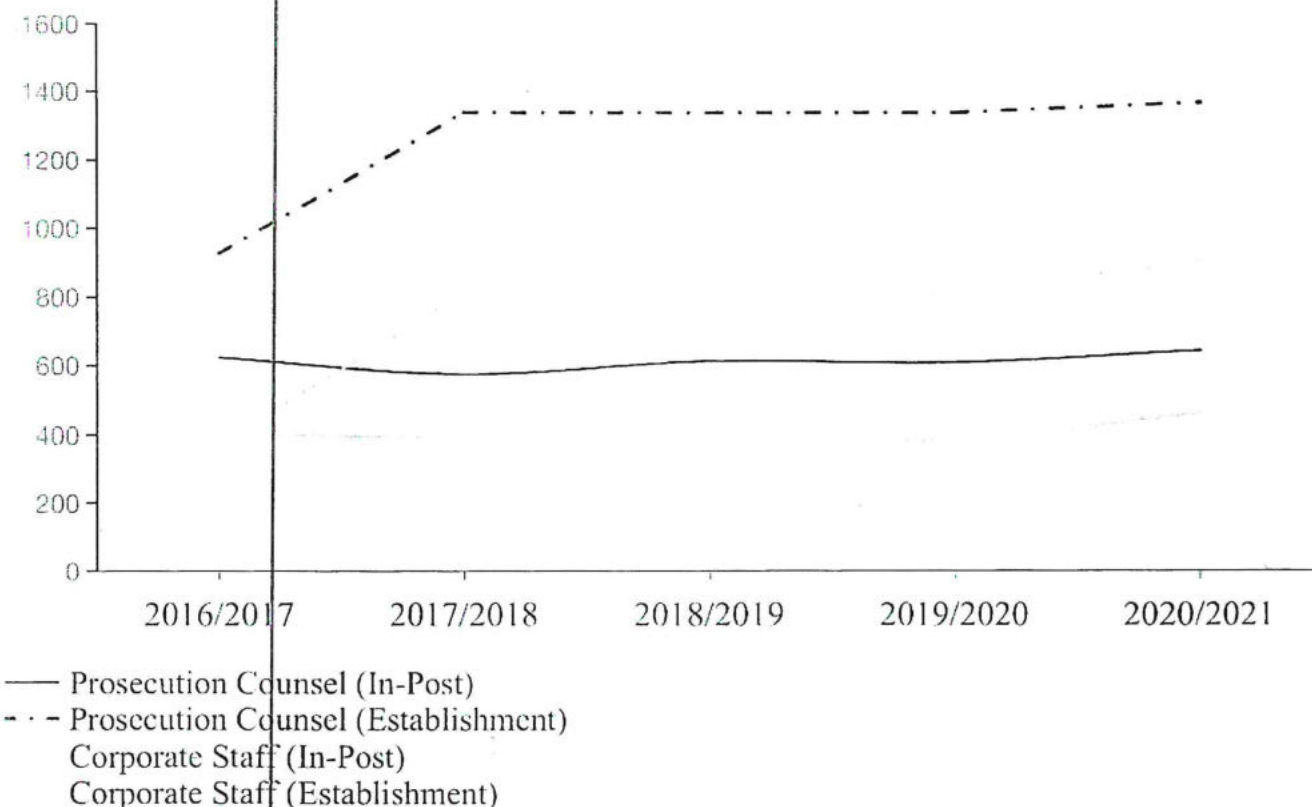
The staffing level and capacity at the ODPP is core to the effective delivery on its mandate. In line with this, the Office has taken measures to recruit staff in pursuit of adherence to the approved establishment. In 2020/2021, the staff establishment was 2,276, which comprised 1340

Prosecution Counsel and 816 Corporate staff. The staff in-post as at June 2021, was 1,105, which comprised 644 Prosecution Counsel and 461 Corporate staff. Table 3.32 and Figures 3.7, 3.8, 3.9, 3.10 and 3.11 illustrate the analysis of staffing levels over the five-year period.

Table 3.29: Staff In-Post and Establishment between 2016/2017 – 2020/2021

| | | 2016/2017 | 2017/2018 | 2018/2019 | 2019/2020 | 2020/2021 |
|----------------------------|---------------|--------------|--------------|--------------|--------------|--------------|
| Prosecution Counsel | In-Post | 623 | 575 | 613 | 609 | 644 |
| | Establishment | 927 | 1,340 | 1,340 | 1,340 | 1,370 |
| Corporate Staff | In-Post | 403 | 393 | 391 | 387 | 461 |
| | Establishment | 370 | 816 | 816 | 816 | 906 |
| Total In-Post | | 1,026 | 968 | 1,004 | 996 | 1,105 |
| Total Establishment | | 1,297 | 2,156 | 2,156 | 2,156 | 2,276 |

Figure 3.7: Staff In-Post against Staff Establishment between 2016/2017- 2020/2021



Distribution of staff by ethnicity as at 30 June 2021

| Ethnic Group | Number | % Proportion |
|--------------|--------|--------------|
| Kikuyu | 236 | 21.6% |
| Luhya | 148 | 13.5% |
| Kalenjin | 141 | 12.9% |
| Kisii | 118 | 10.8% |
| Luo | 122 | 11.1% |
| Kamba | 82 | 7.5% |
| Meru | 66 | 6.0% |
| Embu | 24 | 2.2% |
| Masai | 24 | 2.2% |
| Miji Kenda | 24 | 2.2% |
| Boran | 20 | 1.8% |
| Taita | 13 | 1.2% |
| Mbere | 7 | 0.6% |
| Teso | 6 | 0.5% |
| Pokot | 9 | 0.8% |
| Samburu | 8 | 0.7% |

| Ethnic Group | Number | % Proportion |
|-----------------|-------------|----------------|
| Somoli-So-State | 8 | 0.7% |
| Pokomo | 6 | 0.5% |
| Turkana | 6 | 0.5% |
| Basuba | 2 | 0.2% |
| Tharaka | 6 | 0.5% |
| Gureeh | 3 | 0.3% |
| Orma | 4 | 0.4% |
| Kuria | 1 | 0.1% |
| Kenyan Arab | 2 | 0.2% |
| Bajun | 2 | 0.2% |
| Gabra | 3 | 0.3% |
| Njemps | 2 | 0.2% |
| Swahili Shirazi | 1 | 0.1% |
| Nubian | 1 | 0.1% |
| | 1095 | 100.00% |

Figure 3.8: Staff In- Post by ethnicity 2011/2012 to 2020/2021

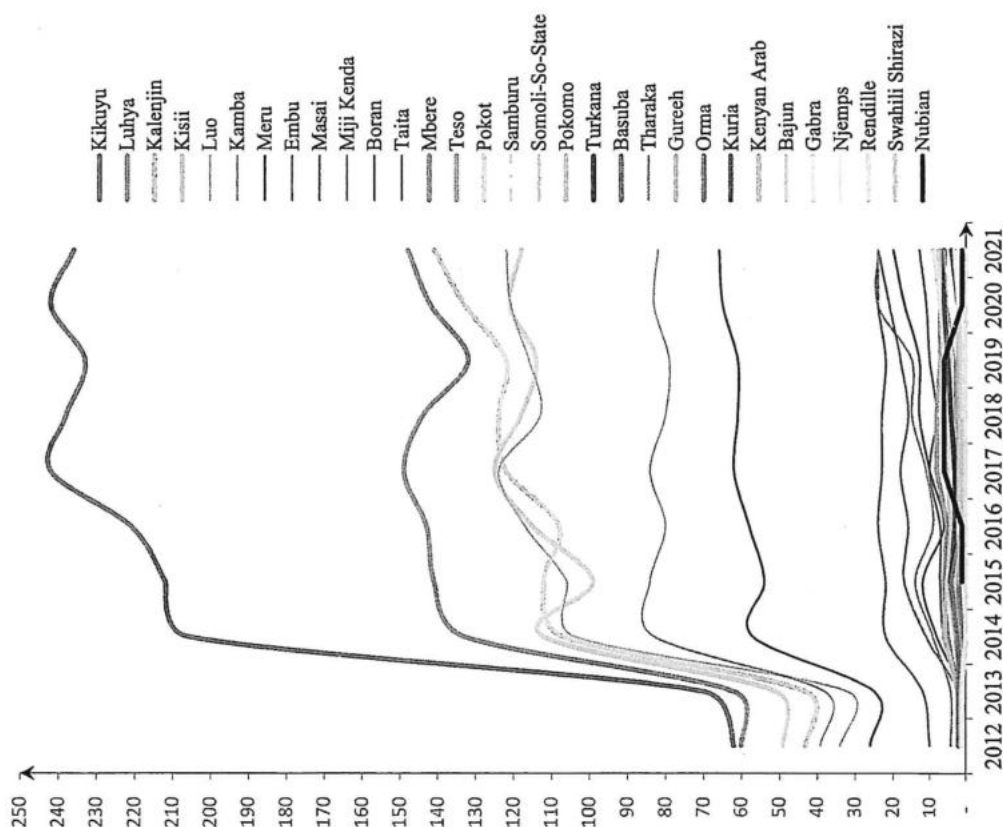


figure 3.9: Staff by age bracket between 2016/2017- 2020/2021

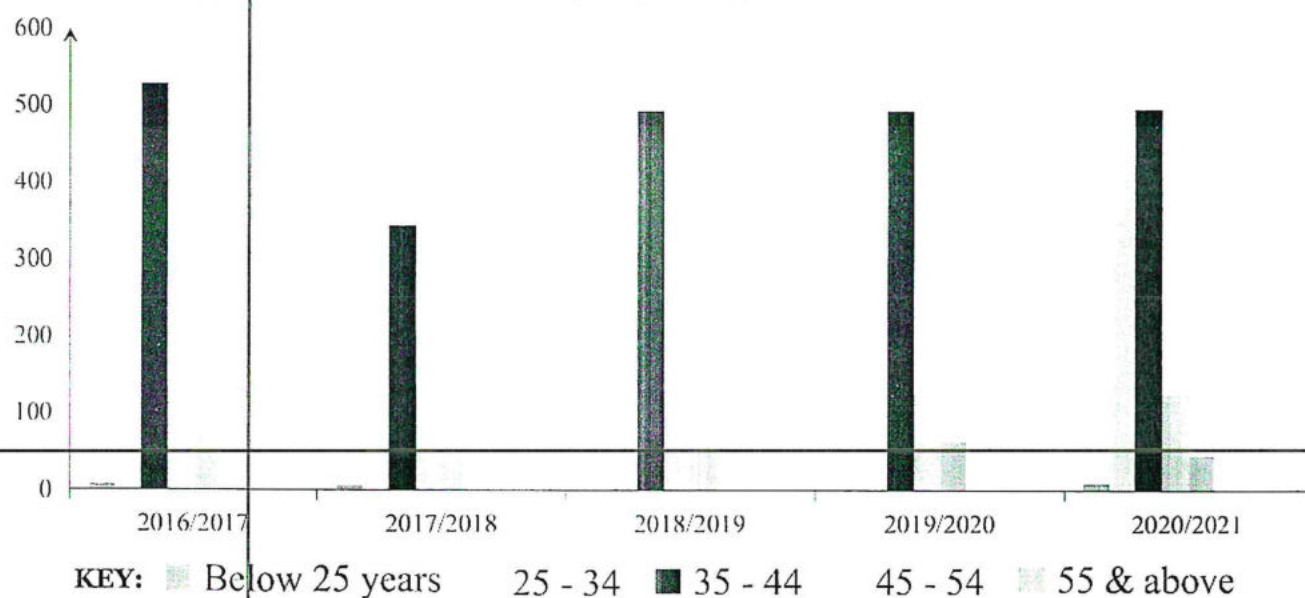


figure 3.10: Staff Cadres between 2016/2017- 2020/2021

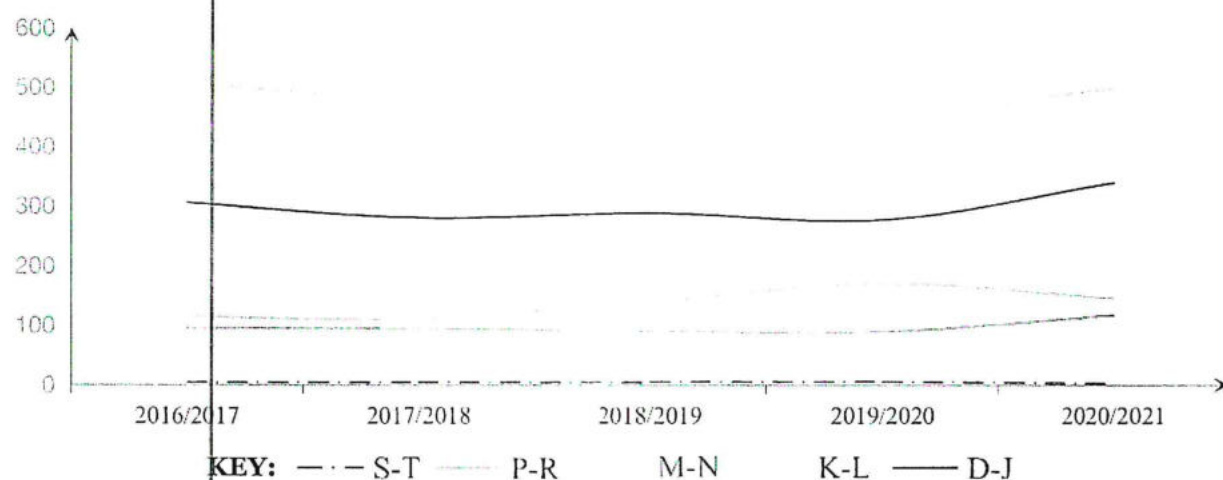
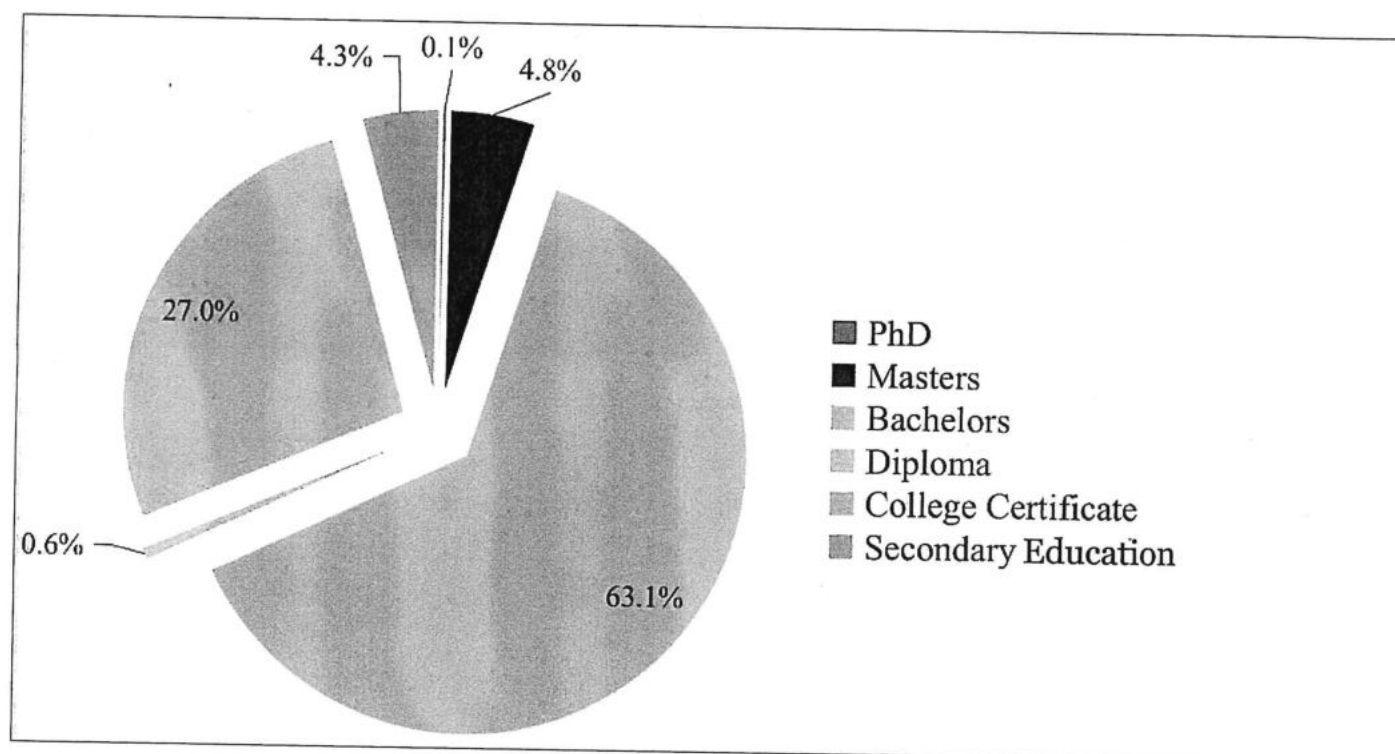


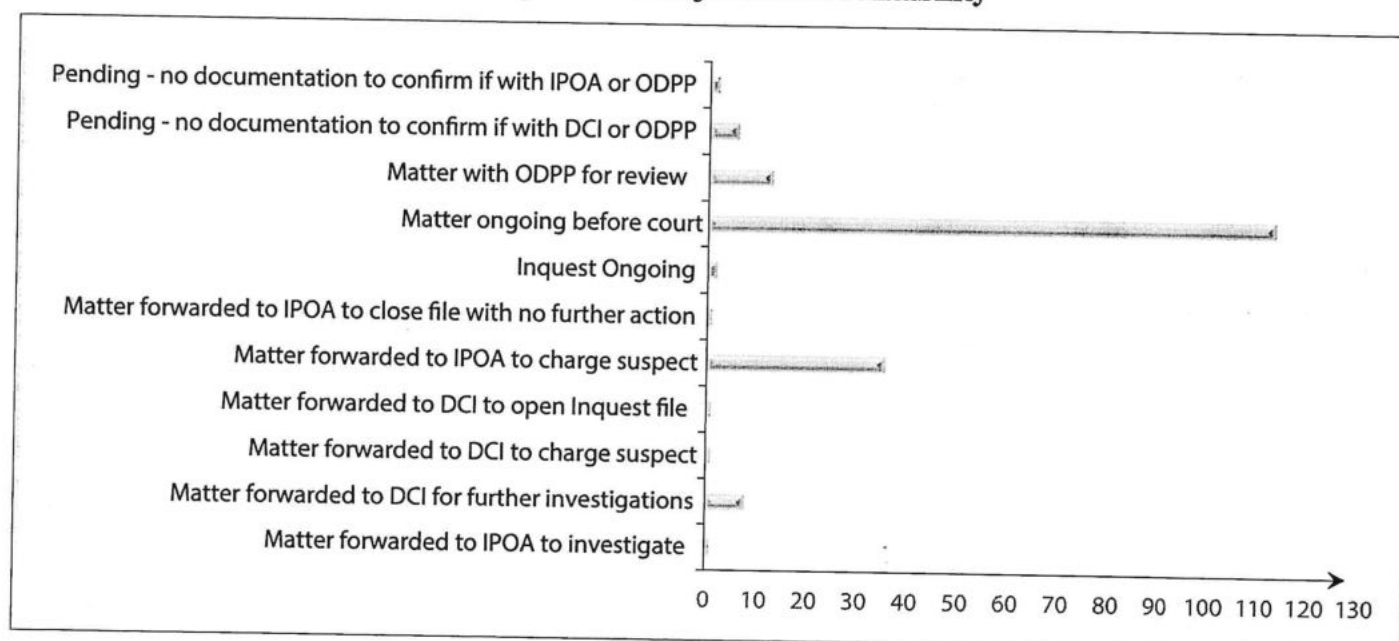
table 3.30: Staff by Highest Level of Education

| Description | Prosecution Counsel | Corporate Staff |
|---------------------|---------------------|-----------------|
| PhD | 1 | 1 |
| Masters | 38 | 15 |
| Bachelors | 606 | 91 |
| Diploma | - | 7 |
| College Certificate | - | 298 |
| Secondary Education | - | 48 |
| Total | 644 | 460 |

Figure 3.11: Staff by Highest Level of Education

3.1.7 Criminal Justice Accountability

Criminal justice accountability remains an area of interest to stakeholders and the general public. ODPP received 186 reports, between 2018 and 2021, relating to offences allegedly committed law enforcers.

Figure 3.12: Matters handled relating to criminal justice accountability

Monetary Value involved in Corruption Cases Handled

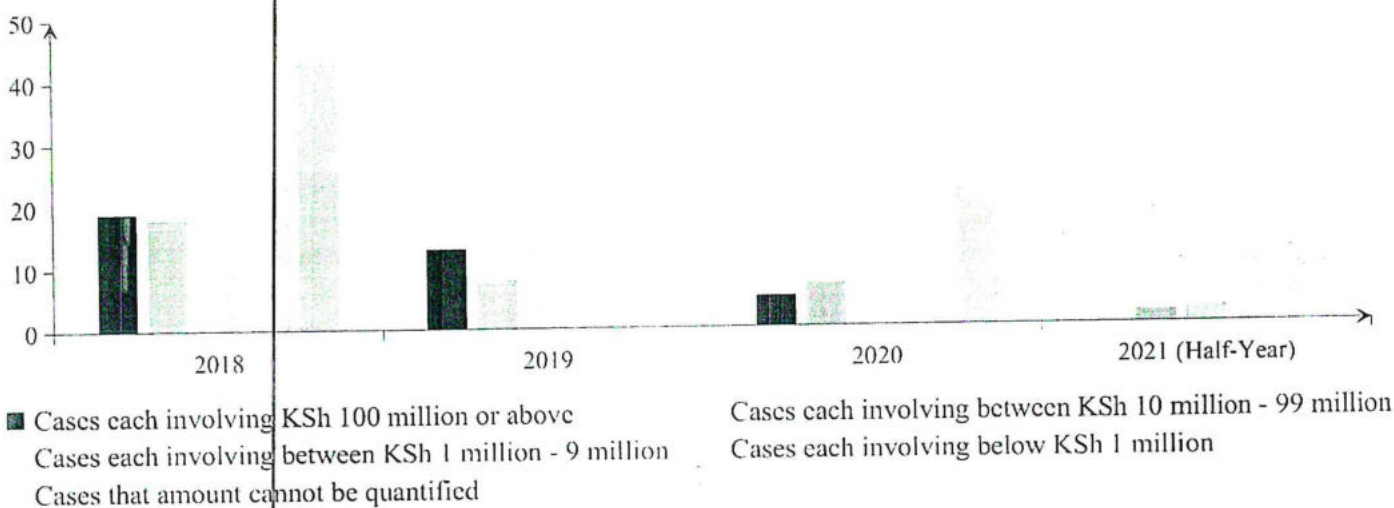
Amounts in Cases Registered

The monetary value involved in the cases registered in court from 2018 to June 2021 totals to KSh 165.18 Billion. Table 3.31 and Figure 3.13 show amounts involved in corruption cases registered in court.

Table 3.31: Corruption cases registered in court and amount involved from January 2018 to June 2021

| Description | Cases | 2018 | Cases | 2019 | Cases | 2020 | Cases | 2021 (Half-Year) |
|--|------------|-----------------------|-----------|------------------------|-----------|----------------------|-----------|--------------------|
| | | Amount (KSh) | | Amount | | Amount | | Amount |
| Cases each involving KSh 100 million or above | 19 | 17,624,753,489 | 13 | 143,093,460,370 | 5 | 2,920,724,814 | - | - |
| Cases each involving between KSh 10 million - 99 million | 18 | 679,927,547 | 8 | 411,179,073 | 7 | 227,164,610 | 2 | 104,296,357 |
| Cases each involving between KSh 1 million - 999,999 | 11 | 61,415,033 | 4 | 18,147,398 | 6 | 28,354,817 | 1 | 3,500,000 |
| Cases each involving below KSh 1 million | 25 | 1,798,676 | 12 | 906,050 | 27 | 4,090,147 | 10 | 2,188,000 |
| Cases that amount cannot be quantified | 43 | - | 41 | - | 22 | - | 12 | - |
| Total | 116 | 18,367,894,745 | 78 | 143,523,692,891 | 67 | 3,180,334,388 | 25 | 109,984,357 |

Figure 3.13 Cases registered per category of amounts involved between 2018 and June 2021



Amounts in Cases Concluded between January 2018 and June 2021

Cases involving KSh 5.3 billion were concluded between January 2018 and June 2021. Convictions accounted for 80.18% of the amount, acquittal accounted for 4.0% and withdrawal 15.79%. Table 3.32 presents amounts involved in cases concluded by outcome.

Table 3.32: Amounts Involved in cases concluded from 2018 to June 2021 by outcome

| Outcome | 2018 | 2019 | 2020 | 2021 (Half -Year) |
|--------------------|--------------------|----------------------|----------------------|--------------------|
| Conviction | 522,624,515 | 2,885,875,033 | 726,115,157 | 116,373,581 |
| Acquittal | 77,014,960 | 45,121,454 | 91,504,000 | 11,000 |
| Withdrawal | 42,670,571 | 65,442,227 | 728,468,000 | 555,000 |
| Total Value | 642,310,046 | 2,996,438,714 | 1,546,087,157 | 116,939,581 |

Amounts in Cases Pending before court as at 30th June 2021

A total of 349 corruption cases involving approximate KSh 225.4 billion were pending before court as at 30th June 2021. Table 3.33 illustrates amounts involved in pending cases as at 30th June 2021.

Table 3.33: Amounts Involved in cases pending before court as at 30th June 2021

| Description | Cases | Amounts (KShs) |
|-------------------------------------|------------|------------------------|
| Cases with 100 million & above | 49 | 223,495,378,526 |
| Cases with 10 million to 99 million | 43 | 1,855,129,084 |
| Cases with 1 million to 9 million | 24 | 117,564,595 |
| Cases with amount below 1 million | 90 | 7,050,749 |
| Amount cannot be quantified | 143 | - |
| Total | 349 | 225,475,122,954 |

Kshs. 5.3 Billion
Total amount involved for cases concluded
between January 2018 and June 2021.

2 NOTEWORTHY CASES

2.1 State officers' role as Defence Counsel goes against public interest

Institutional Petition No. 204 of 2019 DPP V On. Senator James Aggrey Bob Orengo

The High Court in Mombasa allowed an application filed by the DPP seeking to bar persons holding state office from representing suspects or accused persons, since their participation as counsel would be in conflict with their statutory and Constitutional duties. The High Court stated that the role of state officers as defence counsel in such proceedings would be perceived to be against public interest.

2.2 State Officer permanently barred from holding public office

ACC 7 of 2019 R versus David Njilithia Mberia & others

David Njilithia Mberia, the Karen Ward Member of County Assembly, Nairobi City County, who was charged in 2019, was convicted by a Nairobi Anti-Corruption Court and sentenced to pay a fine of Kshs 700,000. The court found him guilty on three counts; two on soliciting for a sum of one million Kenya shillings and later Kshs 100,000, and one count for receiving Kshs 200,000 from the owners of Kiragu Waichai Schools. He made the solicitation claiming he would stop a probe by the Nairobi County Assembly into ownership of the school.

The Court further ordered that the MCA be permanently barred from holding public office as provided for in the Bribery Act, 2016.

3.2.3 Circumstantial evidence in criminal prosecutions

R Vs Mohammed Abdi & 3 others (Westgate terrorism case)

In this matter, the court found the accused persons guilty of being linked to the 2013 Westgate Shopping Mall terrorism attack that led to the death of 67 people.

The first and fourth accused persons were found guilty of conspiracy to commit a terrorism act contrary to Section 23(4) of the Prevention of Terrorism Act (POTA) and on two counts of knowingly supporting the commission of a terrorist act contrary to section 26 of the Act. Further, the first accused person was found guilty of being in possession of an article connected with terrorism offences contrary to section 30 of the Act. The court in making its determination, fully relied on circumstantial evidence.

3.2.4 Misappropriation of Public Funds

ACC 15/2020 R v Francis Moturi Zuriels & Others

Former officials of the National Social Security Fund (NSSF) an investment manager and officials of a collapsed stock brokerage firm, Discount Securities Limited were charged with fraudulent acquisition of public property, conspiracy to defraud and deceiving principal. The accused persons had conspired to defraud the NSSF through the purchase of ghost shares from DSL.

The first accused, a former investment manager at the NSSF was convicted and sentenced to serve a 14 year imprisonment or pay a fine of Sh2.4 billion.

The 2nd, 3rd and 4th accused persons who were former officials of Discount Securities, were ordered to pay a total fine of Sh2.4 billion. In addition, the court directed the NSSF to recover Sh4.8 billion from the statutory manager of the fund after it was placed under liquidation.

The court also found the officials of DSL guilty of fraudulent acquisition of public funds and conspiracy to defraud and sentenced each of them to serve three years and two years imprisonment respectively or pay one million Kenya shillings in fines.

The 4th, 5th and 6th accused persons were required to pay a fine of Sh876 million, or in default, serve nine years imprisonment. In addition, they were barred from holding public office for the next 10 years.

ACC 1/2010R v Davy Koech and 4 others

Dr. Davy Kiprotich Koech, a former director of the Kenya Medical Research Institute (KEMRI) had been charged,

alongside others, with three counts of fraudulently acquiring Kshs. 19,300,000/- belonging to KEMRI. This had been done by transferring the amount to a bank account operated by Davy Koech and opened without the approval of the board of management of KEMRI. The money that had been allocated to the Centre for Disease Control in Kisumu was irregularly diverted to fund the Managing Director's children's education.

The Court proceeded to convict the former director and sentenced him to pay a total fine of Kshs. 19,600,000/- or in default to serve 6 years of imprisonment.

3.2.5 Penalties levied under the Tax Procedures Act are not a bar to Prosecution

ACEC PETITION No. 20 of 2020 Giche Ltd & 2 others v Director of Public Prosecution & 2 others

The petitioners were charged with the offence of fraudulent failure to pay taxes payable to the Kenya Revenue Authority (KRA) contrary to the provisions of the Anti-Corruption and Economic Crimes Act (ACECA). The petitioners sought orders, in the High Court, to stop their prosecution at the Magistrate's Court asserting that the proceedings against them were related to non-payment of taxes amounting to Kshs. 38,692,694 and accordingly, the issue was subject to resolution under the provisions of the Tax Procedure Act (TPA).

The Court ruled that penalties levied by the Commissioner under the TPA could not prohibit prosecution under the ACECA.

3.2.6 Standard required to be enjoined as an interested party

ACEC JR 12 OF 2019 Director of Criminal Investigations & 2 others Ex parte Francis Kibara Karanja & another; Sostenah Ogero Taracha (Intended Interested Party)

The applicants moved the court for orders seeking to quash and prohibit the decision of the DPP to prosecute them for the offence of conspiracy to commit an offence of corruption. An interested party moved the court for an order to be enjoined in the matter.

In making the determination on who an interested party is, the court stated that the mere fact that an applicant was charged together with the *ex-parte* applicants in a criminal case did not make him an interested party.

The court further stated that an interested party has to prove any stake in the issues in dispute between the *ex-parte* applicants and the respondents and/or show anything new which he shall offer or advance which might be relevant to the court in the resolution of the issues herein.

3.2.7 The Prohibition of FGM Act does not contravene provisions of the Constitution

Dr. Tatu Kamau Vs AG & Others, Nairobi HC. Petition 244 of 2019.

In this matter, the petitioner sued the Attorney General and the Anti-FGM Board and enjoined the DPP as a respondent. The petitioner pleaded that Sections 2, 5, 19, 20 and 21 of the Prohibition of FGM Act contravened Articles 19, 27, 32 and 44 of the Constitution by limiting women's choice and right to uphold and respect their culture, ethnic identity, religion, and beliefs, and discriminated against women.

The Petitioner contended that the Prohibition of FGM Act forbids a qualified medical practitioner from performing FGM thereby denying adult women access to the highest attainable standard of health as enshrined in the Constitution.

The Court stated that the Prohibition of FGM Act does not violate the provisions of the Constitution of Kenya. The court further affirmed that FGM is a harmful cultural practice that cannot be allowed in a modern society.

3.2.8 Application of Plea bargaining

HCC No. 45 of 2018 R vs Jane Muthoni Mucheru & Isaack Ngángá Wambui

The three accused persons were charged in the murder of the then Principal of Kiru Boys High School, in Murang'a County. The third accused person entered into a plea agreement with the State, where he agreed to testify

against his accomplices. Consequently, his charge was reduced from murder to manslaughter and was sentenced to 7 years' imprisonment.

he two accomplices were found culpable for the murder and were each sentenced to serve 30 years imprisonment.

2.9 A plea of guilty must be unequivocal

MN Vs Republic (2021) EKLR Criminal Appeal of 2020 High Court at Garsen

he appellant had pleaded guilty for the offence of incest contrary to section 20(1) of the Sexual Offences Act and sentenced to 10 years' imprisonment. The appellant filed an appeal in which he averred that the plea of guilty was not unequivocal. He explained that the plea was taken virtually while he was frightened at a police station in the presence of intimidating uniformed police officers. He further stated that the plea was obtained through blackmail and false promises of a short probation sentence.

he Court held that since the plea was taken virtually with the accused person being at a police station, it was plausible that the accused was intimidated when he entered the plea of guilty. It would be unsafe, therefore, to uphold the plea under those circumstances.

2.10 Commission of offences by State Officers during the electioneering period

1 Vs Yahya Ahmed Shee Alias Basode CR Case No. 153 of 2017

he accused person was a Member of the County Assembly of Lamu representing Mkomani Ward. He was charged with three counts of attempting to rescue convicted persons from custody. He was also charged with the offence of assault and taking part in a riot within the Lamu Law Courts.

he Court, while finding the accused guilty, noted that the accused had taken advantage of the political campaign period during the 2017 General Election to rally over 60 youth to rescue 3 convicted persons from custody. He was sentenced to serve a jail term of 4 years for counts 1, 2, 3 and to pay a fine of Kshs. 400,000 each for counts

4 & 5. For count 6, he was sentenced to 18 months' imprisonment.

3.2.11 Compensation in criminal cases

MSCO No 19 of 2019: Republic Vs Rodgers Ouma

The accused person was a police constable stationed at the Lamu Police Station. He was charged with offences of rape and abuse of office. The accused was found guilty and convicted to serve life imprisonment for rape. The second count was held in abeyance.

The court further ordered that a sum of Kshs 400,000 be paid as compensation for damages and injuries caused to the victim, and restitute the money spent on treatment.

3.2.12 Dealing in endangered species

Criminal Case No.176 of 2020, Republic Vs Simon Gitonga & Alio Ibrahim

The accused persons were charged with transporting suspected endangered tree species namely the East African Sandalwood, weighing approximately 400 kgs, with an estimated value of Kshs 1.2 million, without a permit from the Director General of the Kenya Wildlife Service.

The two were convicted for dealing in a protected species, whilst the vehicle used to transport the sandalwood was forfeited to the KWS in accordance with the Wildlife Conservation Management Act, 2013 (WCM Act) with further orders for its auction. The proceeds from the auction were to be used in conservation efforts.

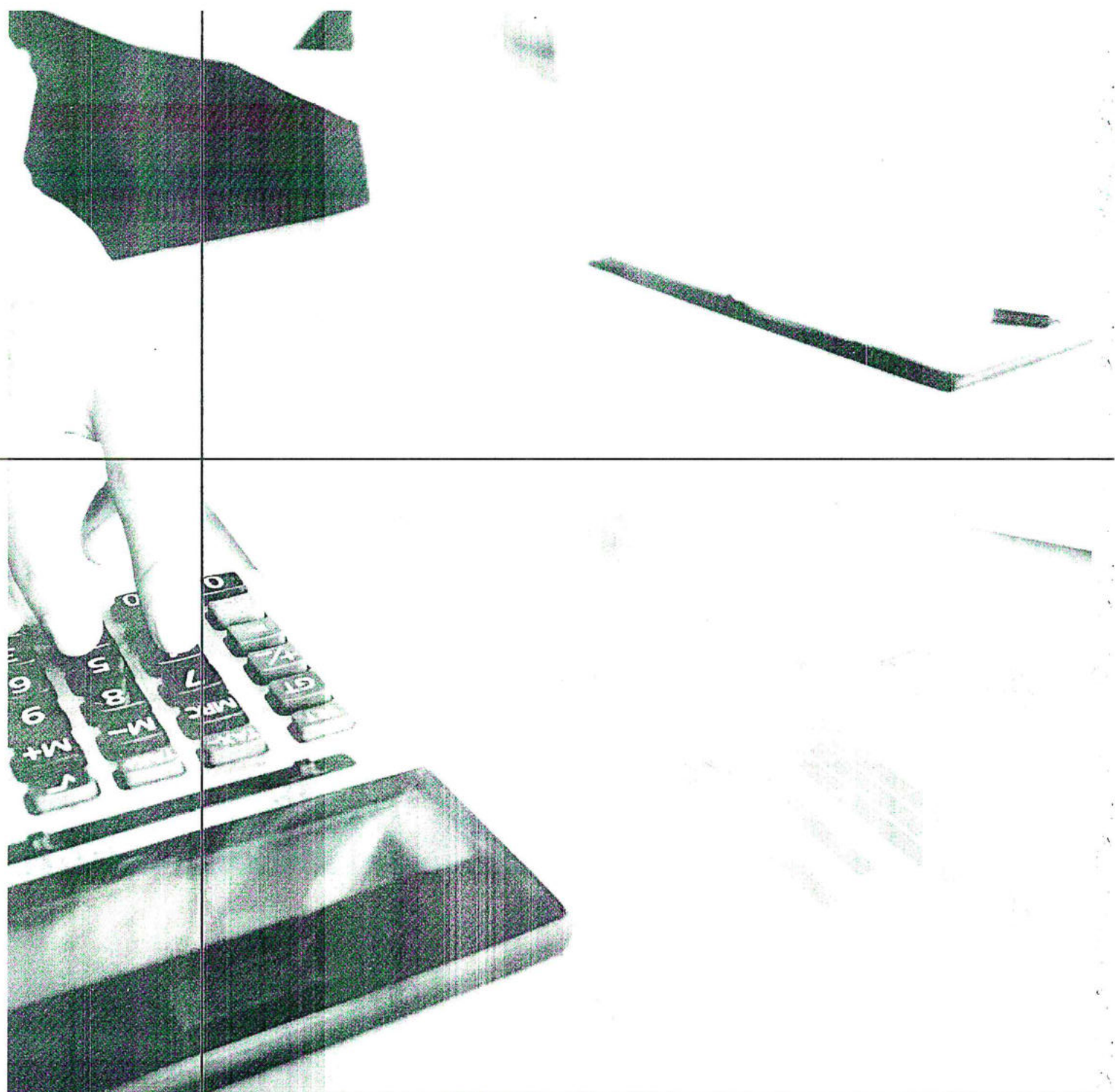
3.2.13 Protection from domestic violence:

Criminal Case No. E011 of 2020 State Vs Trufena Ndonga Aswani

The accused was charged with murder, which was later substituted to manslaughter after a plea bargain. The case involved the murder in self-defence of the accused's husband, James Oyengo Obochi.

The Court in making its determination noted that the deceased had a habit of coming home drunk and assaulting the wife. The court further noted that through

this case, the accused person and others who have undergone, or are undergoing domestic and gender-based violence, can have their voices heard. It is for this reason that the Court proceeded to sentence the accused to a one-day imprisonment. The Court further directed that the Probation Officer assist the accused in reaching alternative accommodation, other than the matrimonial home, and that counselling sessions be provided to enable the accused person to recover from her traumatic experience.



CHAPTER FOUR

FINANCIALS AT A GLANCE

4.0 Introduction

The ODPP's primary source of revenue is the national annual appropriation. Monies are allocated for both Recurrent and Development expenditure.

The approved total budget for the **2020/2021** financial

year was Kshs **3,330,941, 454**. Of this amount, Kshs **3,166,484,881** was spent, representing an absorption rate of **95.07%**. Table 5.1 gives an analysis of the combined budgetary allocation and expenditure between **2018/2019** and **2020/2021**.

Table 4.1: Analysis of Budgetary allocation and Expenditure between 2018/2019-2020/2021

| Financial Year | Budget Allocation (Millions) | Expenditure (Millions) | Absorption Rate |
|----------------|------------------------------|------------------------|-----------------|
| 2020-2021 | 3,330 | 3,166 | 95.07% |
| 2019-2020 | 3,284 | 3,106 | 94.57% |
| 2018-2019 | 2,991 | 2,220 | 74.22% |

4.1 Recurrent Expenditure

During the financial year **2020/2021** a total of Kshs **3,281,941,454** was allocated for recurrent expenditure

out of which the Office spent Kshs **3,147,558,288**, representing an absorption rate of **95.9%**, an increase of **2%** from the previous financial year **2019/2020**.

Table 4.2: Analysis of Recurrent Expenditure between 2018/2019-2020/2021

| Approved Budget | | | Actual Expenditure | | |
|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| 2018/2019 Kshs million | 2019/2020 Kshs million | 2020/2021 Kshs million | 2018/2019 Kshs million | 2019/2020 Kshs million | 2020/2021 Kshs million |
| 2,966 | 3,284 | 3,281 | 2,220 | 3,094 | 3,147 |

4.2 Development Expenditure

During the financial year **2020/2021**, capital expenditure was **18.9** million against an approved budget of **49** million, representing an absorption rate of **38.57%**.

Table 4.3: Analysis of Development Expenditure between 2018/2019-2020/2021

| Approved Budget | | | Actual Expenditure | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 2018/2019 Millions | 2019/2020 Millions | 2020/2021 Millions | 2018/2019 Millions | 2019/2020 Millions | 2020/2021 Millions |
| 25 | 14 | 49 | 0 | 12 | 18.9 |

3 Expenditure Economic Classification

The expenditure for the reporting period has been analysed by economic classification to show various items, namely: compensation of employees, use of goods and services, and acquisition of assets, among others as illustrated in Table 4.3. Employee compensation constitutes the bulk of the recurrent expenditure at 58% while use of goods and services represents 31%.

Table 4.4: Programme Expenditure by Economic Classification

| Description | Approved Budget | | | Actual Expenditure | | |
|---------------------------------------|-----------------|--------------|--------------|--------------------|--------------|--------------|
| | 2018/19 | 2019/20 | 2020/21 | 2018/19 | 2019/20 | 2020/21 |
| Current Expenditure | 2,966 | 3,267 | 3,330 | 2,220 | 3,094 | 3,166 |
| Compensation of employees | 1,504 | 1,748 | 1,846 | 1,335 | 1,694 | 1,826 |
| Use of goods & services | 979 | 1,133 | 1,021 | 762 | 1,016 | 968 |
| Current Grants & Transfers | 0 | 0 | 0 | 0 | 0 | 192 |
| Other recurrent | 459 | 386 | 414 | 123 | 384 | 161 |
| Total current Exp. | 2,942 | 3,267 | 3,281 | 2,220 | 3,094 | 3,147 |
| Capital Expenditure | 25 | 14 | 49 | 0 | 12 | 18.9 |
| Acquisition of Non-Financial Assets | 25 | 10.4 | 45 | 0 | 9 | 18.9 |
| Capital Grants to Government Agencies | 0 | 0 | 0 | 0 | 0 | 0 |
| Other Development Exp. | - | 3.6 | 4 | - | 3 | - |
| Total development expenditure | 25 | 14 | 49 | 0 | 12 | 18.9 |
| Total Programme | 2,967 | 3,281 | 3,330 | 2,220 | 3,106 | 3,166 |
| Total Vote | 2,967 | 3,281 | 3,330 | 2,220 | 3,106 | 3,166 |

4.4 Analysis of Expenditure by Programmes

During the reporting period, expenditure on prosecution of criminal offenses sub programme dropped to Kshs 2,238 million from previous financial year expenditure of Kshs 2,480 million whereas general administration planning and support increased from Kshs 626 million to Kshs 928 million.


Table 4.5: Analysis of Programme Expenditure by Sub –Programs:

| Description | Approved Budget | | | Actual Expenditure | | |
|--|-----------------|--------------|--------------|--------------------|--------------|--------------|
| | 2018/19 | 2019/20 | 2020/21 | 2018/19 | 2019/20 | 2020/21 |
| Programme 1: Public Prosecution Services | | | | | | |
| Prosecutions of Criminal offences | 2,308 | 2,617 | 2,359 | 1,783 | 2,480 | 2,238 |
| General Administration Planning and Support services | 659 | 664 | 971 | 437 | 626 | 928 |
| Total Programme | 2,967 | 3,281 | 3,330 | 2,220 | 3,106 | 3,166 |
| Total Vote | 2,967 | 3,281 | 3,330 | 2,220 | 3,106 | 3,166 |

4.5 Auditor General's Report

Financial statements of the ODPP are subject to audit by the Office of the Auditor General (OAG). The Office received an unqualified opinion on its financial statements for 2020-2021 as shown below;

REPUBLIC OF KENYA



OFFICE OF THE AUDITOR-GENERAL
Enhancing Accountability

Telephone: +254-(20) 3214000
E-mail: info@oagkenya.go.ke
Website: www.oagkenya.go.ke

HEADQUARTERS
Anniversary Towers
Monrovia Street
P.O. Box 30084-00100
NAIROBI

**REPORT OF THE AUDITOR-GENERAL ON OFFICE OF THE DIRECTOR OF
PUBLIC PROSECUTIONS FOR THE YEAR ENDED 30 JUNE, 2021**

PREAMBLE

I draw your attention to the contents of my report which is in three parts:

- A. Report on the Financial Statements that considers whether the financial statements are fairly presented in accordance with the applicable financial reporting framework, accounting standards and relevant laws and regulations that have a direct effect on the financial statements.
- B. Report on Lawfulness and Effectiveness in Use of Public Resources which considers compliance with applicable laws, regulations, policies, gazette notices, circulars, guidelines and manuals and whether public resources are applied in a prudent, efficient, economic, transparent and accountable manner to ensure government achieves value for money and that such funds are applied for intended purposes.
- C. Report on Effectiveness of Internal Controls, Risk Management and Governance which considers how the entity has instituted checks and balances to guide internal operations. This responds to the effectiveness of the governance structure, the risk management environment, and the internal controls developed and implemented by those charged with governance for orderly, efficient and effective operations of the entity.

An unmodified opinion does not necessarily mean that an entity has complied with all relevant laws and regulations, and that its internal controls, risk management and governance systems are properly designed and were working effectively in the financial year under review.

The three parts of the report are aimed at addressing the statutory roles and responsibilities of the Auditor-General as provided under Article 229 of the Constitution, the Public Finance Management Act, 2012 and the Public Audit Act, 2015. The three parts of the report, when read together constitute the report of the Auditor-General.

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of Office of the Director of Public Prosecutions as set out on pages 33 to 62, which comprise the statement of assets and liabilities as at 30 June, 2021, and the statement of receipts and payments, statement of cash flows, and summary statements of appropriation - recurrent and development combined for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Office of the Director of Public Prosecutions as at 30 June, 2021, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Office of Director of Public Prosecutions Act No.2 of 2013 and the Public Finance Management Act, 2012

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the Office of Director of Public Prosecutions Management in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. There were no key audit matters to report in the year under review.

Other Matter**Pending Bills**

As disclosed under Note 16.1 to the financial statements, the Office had pending bills totalling Kshs.1,495,850 in respect of supply of goods and services as at 30 June, 2021 that were not settled during the year but were instead carried forward to 2021/2022 financial year. Failure to settle bills during the year to which they relate adversely affects the provisions of the subsequent year to which they have to be first charged.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, except for the matters described in the Basis for Conclusion on Lawfulness and Effectiveness in Use of Public Resources section of my report, I confirm that, nothing else has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

Staff Car Loan and Mortgage Scheme Fund

The Office of the Director of Public Prosecutions created a Staff Car Loan and Mortgage Scheme Fund in the financial year 2017/2018. The Fund had received a total of Kshs.572,000,000 as at 30 June, 2021 as analyzed below:

| Financial Year | Amount - Kshs |
|----------------|---------------|
| 2017/2018 | 175,000,000 |
| 2018/2019 | 75,000,000 |
| 2019/2020 | 130,000,000 |
| 2020/2021 | 192,000,000 |
| Total | 572,000,000 |

However, the Administrator of the Fund had not prepared, signed and submitted financial statements of the Fund in respect of each financial year to the Auditor-General contrary to Section 84 of the Public Finance Management Act, 2012.

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, except for the matter described in the Basis for Conclusion on Internal Controls, Risk Management and Governance, I confirm that internal controls, risk management and overall governance were effective.

Report of the Auditor-General on Office of Director of Public Prosecutions for the year ended 30 June, 2021

Lack of a Disaster Recovery and IT Business Continuity Plan

As reported in the previous year, the Office of Director of the Public Prosecutions did not have a disaster recovery plan. Further, it was noted that the IT Steering Committee did not hold any meeting during the financial year 2020/2021.

In the absence of a disaster recovery plan and an active IT Steering Committee, the adequacy of the IT governance and the ability of the Office to resume operations effectively after an emergency or disaster could not be confirmed.

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether processes and systems of internal control, risk management and governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and those Charged with Governance

Management is responsible for the preparation and fair presentation of these financial statements in accordance International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal control as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control.

In preparing the financial statements, Management is responsible for assessing the ability of the Office of Director of Public Prosecutions to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the services or cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public money is applied in an effective manner.

Those charged with governance are responsible for overseeing the financial reporting process, reviewing the effectiveness of how the office monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to

Report of the Auditor-General on Office of Director of Public Prosecutions for the year ended 30 June, 2021

governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution of Kenya. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and overall governance processes and systems in accordance with the provisions of Section 7(1) (a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting


Report of the Auditor-General on Office of Director of Public Prosecutions for the year ended 30 June, 2021

from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.
- Conclude on the appropriateness of the Management's use of the applicable basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the ability of the Office of Director of Public Prosecutions to continue to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Office to cease to sustain its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Office of Director of Public Prosecutions to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.


CPA Nancy Gathungu, CBS
AUDITOR-GENERAL

Nairobi

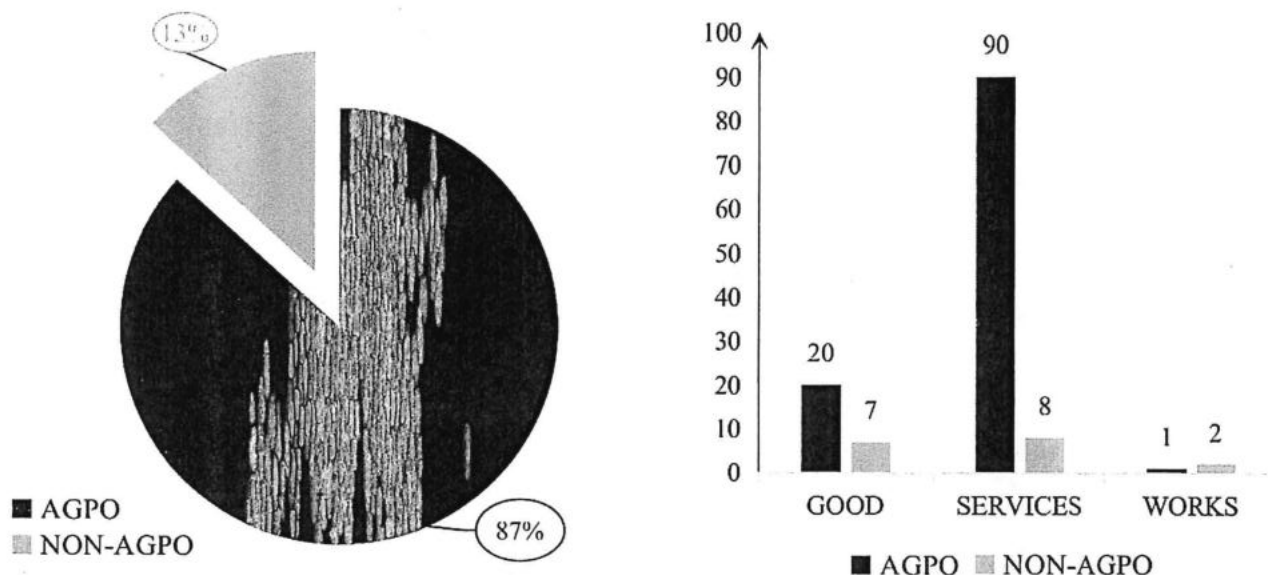
29 December, 2021

4.6 Procurement of goods, services and works

The ODPP is committed to supporting the government in creating business opportunities for Kenyans. A total of 128 tenders totalling to Kshs. 736,673,587.00 were awarded during the reporting period. The number of tenders awarded towards procurement of goods,

services and works were 27, 98 and 3 respectively. 87% of these tenders were awarded to Access to Government Procurement Opportunities (AGPO) group and 13% were awarded to non-AGPO groups. Figure 4.1 below illustrates a pictorial representation of goods, services and works procured during the reporting period.

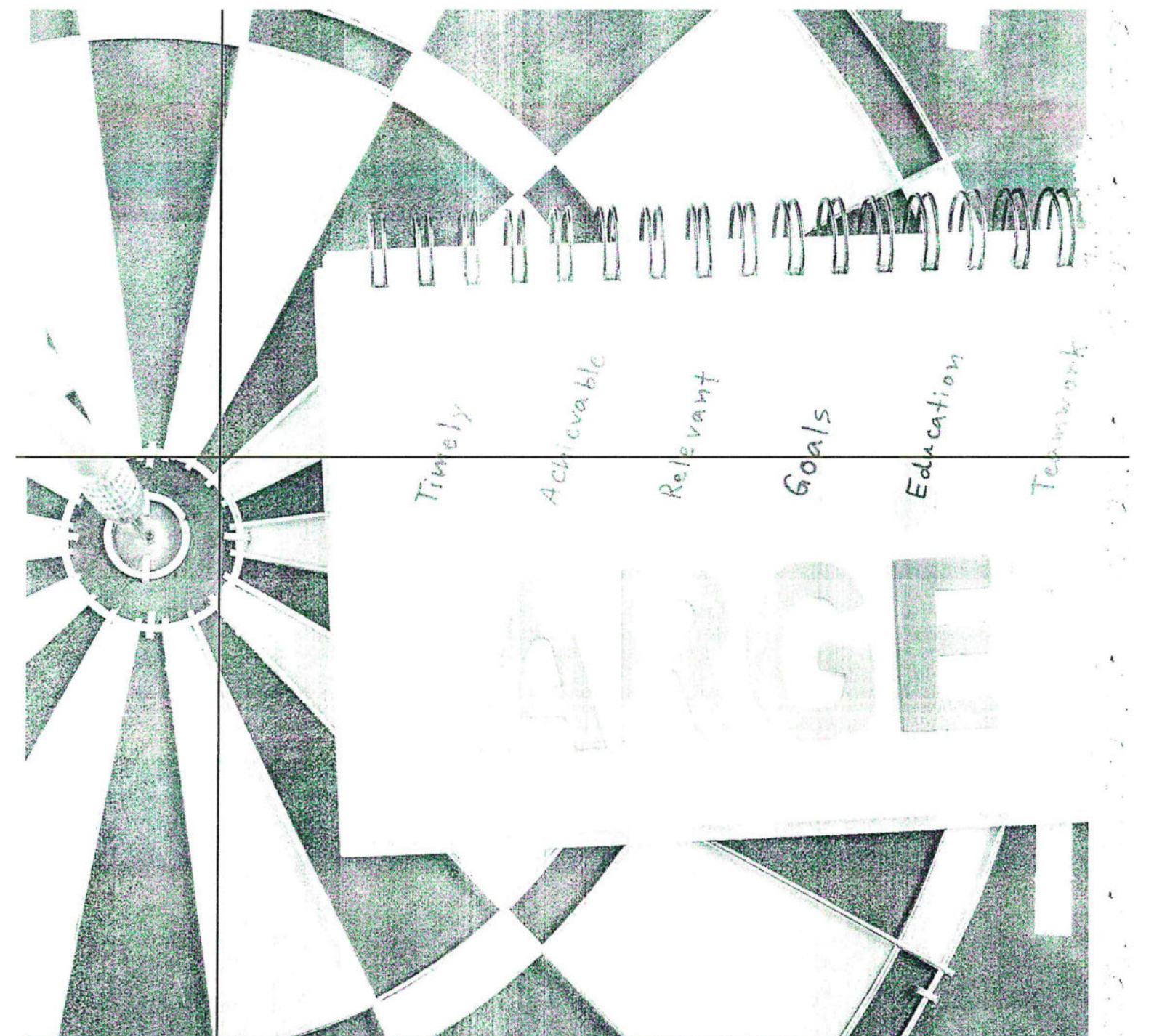
Figure 4.1: Tenders awarded to AGPO and Non-AGPO groups during the year under review



Kshs. 736,673,587

The total cost of 128 tenders awarded to various suppliers during the reporting period

The number of tenders awarded towards procurement of goods, services and works were 27, 98 and 3 respectively.



Timely *Achievable* *Relevant* *Goals* *Education* *Teamwork*

BRIDGE

CHAPTER FIVE

CHALLENGES AND STRATEGIC ACTIONS

5.0 Introduction

The Office is committed to effectively and efficiently deliver on its mandate. However, this has not been without challenges.

During the reporting period, the ODPP encountered the following challenges and put in place the respective strategies to mitigate them:

5.1 The Coronavirus (COVID-19) pandemic

The onset of the COVID-19 pandemic adversely affected the ODPP's and generally the criminal justice sector's service delivery. In order to curb the effects of the pandemic, the government through the Ministry of Health put in place national directives on health emergency restrictions and social distancing measures. As a consequence, the criminal justice sector significantly downscaled its activities leading to increased backlog of cases.

Additionally, a strain on the already limited human resources and available equipment within the Office prolonged the preparation process for virtual court sessions and other office activities.

Strategic action:

In order to mitigate the challenges brought about by the COVID-19 pandemic, the Office enhanced digitisation of its operations and processes.

Additionally, the Office launched rotational work schedules to allow for full resumption of services.

5.2 Inadequate ICT infrastructure and operational capacity

Following a needs assessment conducted by the Office, it was found that some ODPP stations did not have sufficient equipment and infrastructure necessary for the full digitisation of the Office's processes.

For instance, due to inadequate ICT infrastructure, the roll-out of the *Uadilifu* Case Management System to all ODPP county offices is yet to be accomplished. Furthermore, the ODPP intranet, which is intended to aid in file sharing and collaboration within the Office, has not been fully established.

Strategic action:

The Office will endeavour to make timely ICT procurement that is based on a needs assessment of the different ODPP stations. The Office plans to establish a Local Area Network (LAN) within all its offices and acquire the services of a reliable Internet Service Provider to improve its intranet.

5.3 Inadequate human resource capacity

The current ODPP staff numbers are 1,062 which is still way below the total establishment of 2,276.

The Office's current terms and conditions of service remain less competitive despite significant improvements over the last few years. Furthermore, the Office needs to improve on its succession management and career progression plan.

Strategic action:

Office is in the process of recruiting additional prosecutors, researchers, analysts, and other experts in associated fields.

Further, the Office continues to engage the SRC for favourable terms and conditions of service for its staff. There are also initiatives to review the organisational structure to streamline career progression. The Office has also developed a Succession Plan that aims to ensure continuity within the ODPP during transition.

5.4 Prosecution of complex and emerging crimes

Prosecution of complex and emerging crimes often require special expertise to ensure successful outcomes.

The evolving nature of crime introduce complexities in prosecution. For instance, the use of the dark web and crypto-currency in illegal cyber trade pose challenges such as difficulty in collecting evidence for successful prosecution.

Strategic action:

The Office, through the PTI, continues to enhance the capacity of Prosecution Counsel through training, mentorship and exchange programmes. Inculcating

skills will help equip Prosecution Counsel with the requisite tools to effectively prosecute complex and merging crimes. Concomitantly, the Office plans to recruit researchers and experts from various fields such as financial analysis, cyber security and forensics.

5 Weak inter-agency coordination and collaboration

Despite concerted efforts to strengthen inter-agency collaboration, there exists coordination gaps amongst the agencies in the criminal justice system. This has resulted in inefficiency and ineffectiveness in the delivery of justice.

Strategic action:

Implementation of a stakeholder's coordination strategy to foster collaboration with partner agencies is key. The Office aims to implement the signed MoU's with partner agencies and seeks to sign additional ones.

The Office will continue to lobby for the strengthening of the National Council on the Administration of Justice (NCAJ) which is the main driver for collaboration within the Kenya criminal justice sector.

5.6 Legislative gaps in the virtual court processes

There exist gaps in the virtual court processes due to lack of a unified legal framework to guide the process, especially in plea taking. This leads to cases of mistrials and unnecessary failure in prosecutions.

Strategic action:

The Office continues to lobby for a unified legal framework to guide virtual court processes to ensure fair dispensation of justice.

5.7 Inadequate office infrastructure

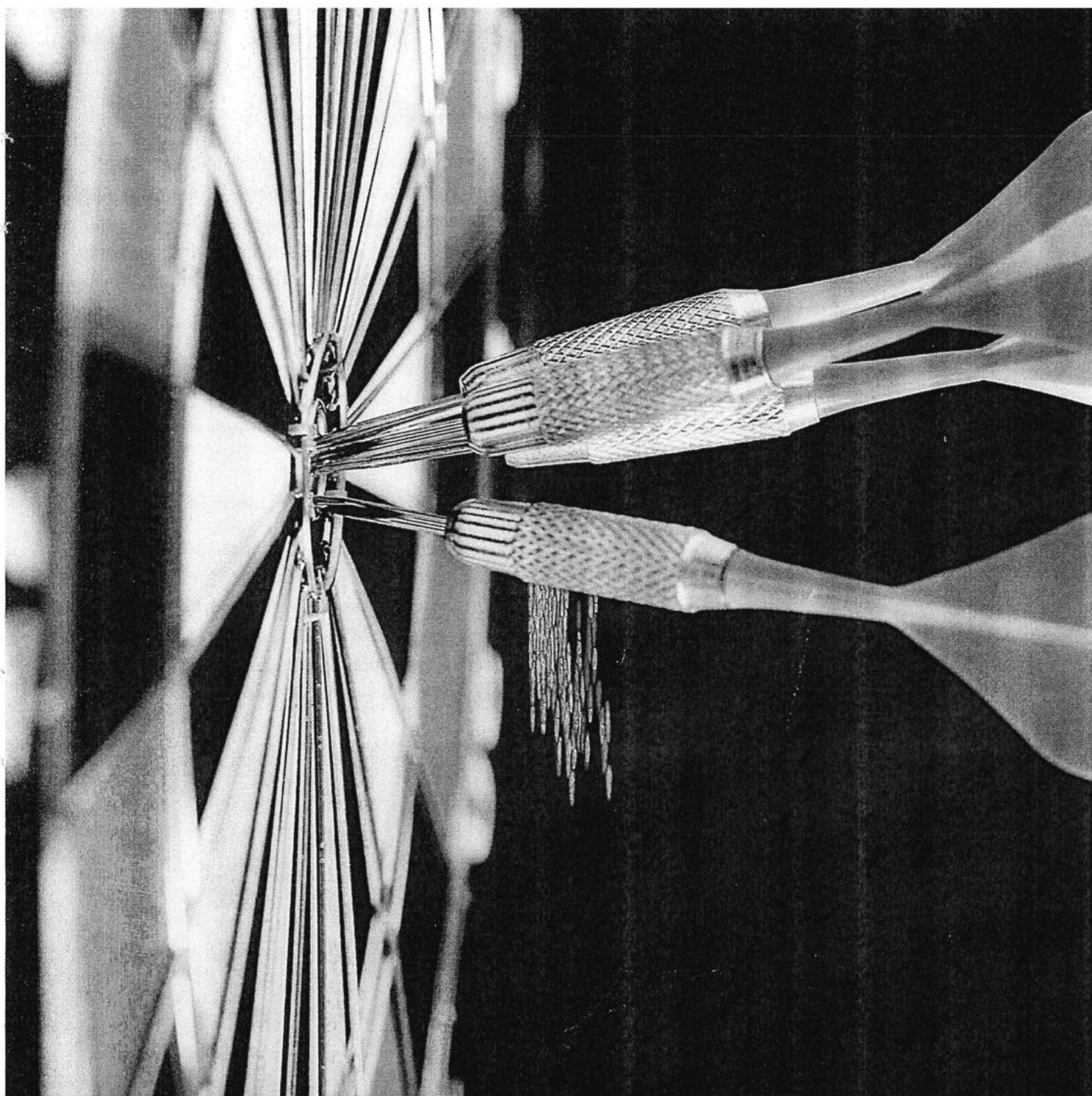
There are ODPP stations that are in need of conducive office spaces.

Strategic Action:

The Office plans to acquire sufficient office spaces and refurbish existing ones.



ODPP's Case Central Intake



CHAPTER SIX

MILESTONES

6.0 Introduction

During the reporting period, the Office was able to achieve a number of milestones that enhanced Office operations and improved access to justice. These milestones were:

6.1 Enhanced Conviction rates

During the reporting period, the Office achieved a conviction rate of **93.31%**, which was an increase from the 2019/2020 conviction rate of **92.5%** and the 2017/2018 conviction rate of **90.2%**. This increase can be attributed to the various measures undertaken by the Office, which included implementation of the Decision

Charge Guidelines, which ensured that only cases that reach evidentiary thresholds make it to court; increased emphasis on knowledge and skills enhancement for the Prosecution Counsel; increased use of researchers, analysts and experts; increased digitisation and streamlining of DPP processes; and enhanced stakeholder engagement, among others.

6.2 Enhanced Access to Justice by application of Alternatives to Prosecution

Whilst the ODPP pays great attention to its conviction rate, the Office also recognises that this rate is not the only measure of success for prosecutors. As such, the Office has been integrating the use of the progressive approach to prosecution through its use of diversion and plea bargaining. The progressive prosecution approach entails incorporating alternatives to prosecution to complement prosecution of cases. In the progressive approach, the measure of success is the ability to resolve matters through alternatives to prosecution and alternatives to trial, with focus on restitution, compensation and rehabilitation. For cases that go through full prosecution, the measure of success still remains conviction rates, however, other measures such as recovery of proceeds of crime are also considered.

6.3 Policies & other operational arrangements

During the reporting period, the Office developed and adopted a number of policy documents geared towards enhancing accountability, transparency and consistency in its operations. These policy documents include:

6.3.1 Oath of Allegiance

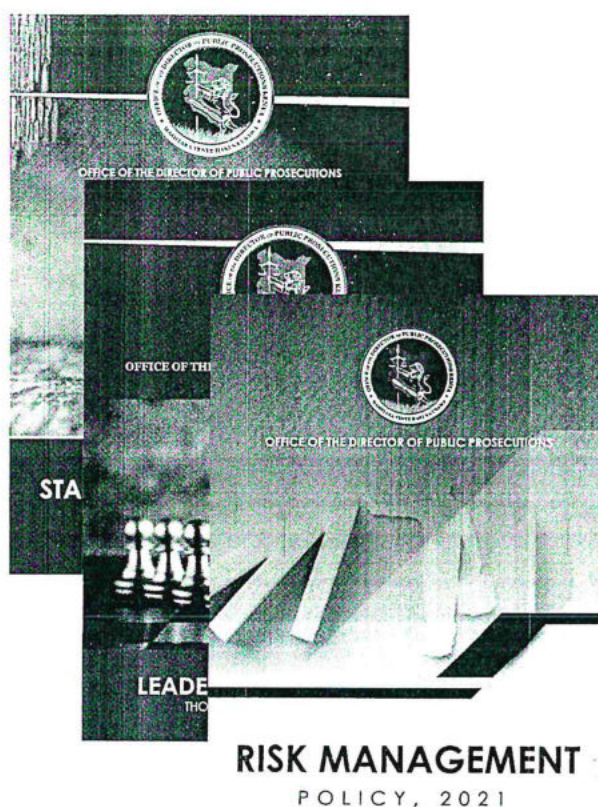
The Oath of Allegiance is part of the ODPP's strategic commitment to promote its integrity and independence. The Oath of Allegiance supports the democratic values and ethics of officers by obligating them to uphold and respect the Constitution.

6.3.2 The Risk Management Strategy, 2021

The Risk Management Strategy is intended to aid the Office in the identification, management and mitigation of risks in a structured and coherent manner.

6.3.3 The ODPP Screening Guidelines

The ODPP Screening Guidelines are intended to ensure that the mail handling process in the Office have a consistent and uniform procedure for screening and allocation of documents; accountability of documents; and an efficient mail screening workflow and procedure.



6.3.4 The Document Tracking Manual

The second phase of the *Uadilifu* CMS roll-out involves the use of the document tracking module. This module is intended to help the Office keep a track of all of the documents and correspondence that it receives as well as track the movement of these documents and inter-office documents. This is intended to enhance record-keeping, accountability and transparency of processes. The Document Tracking Manual is intended to facilitate and guide in the seamless use of the Document Tracking Module.

6.3.5 Guidelines for the prosecution of Children's matters

During the reporting period, the ODPP developed the Guidelines for the Prosecution of Children Matters. These Guidelines set out the expectations from prosecutors prosecuting cases of children in conflict with the law.

6.4 Enhanced capacity of the ODPP to deliver on its mandate

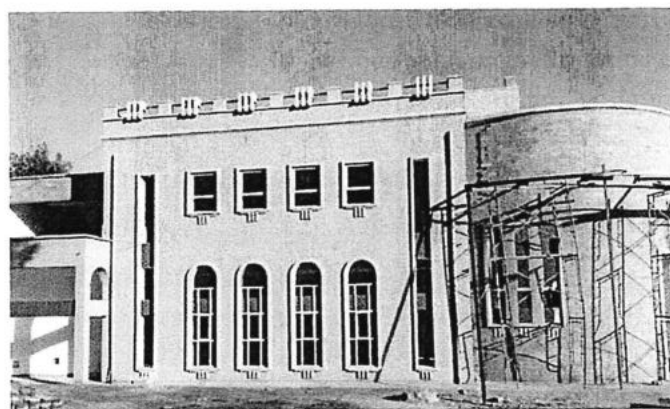
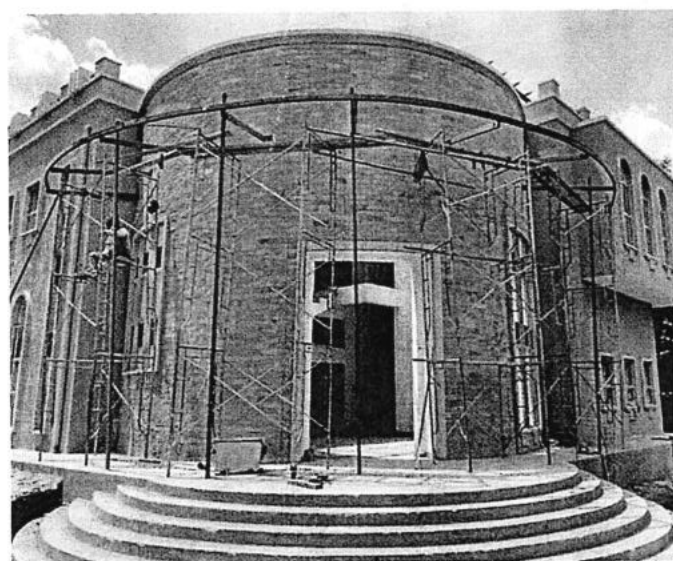
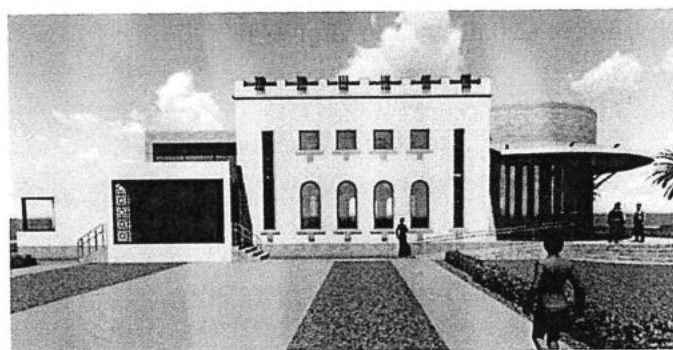
6.4.1 Establishment of the Office of Change Management

Due to the ever-changing overall environment within which the ODPP operates in, the Office is required to continuously adapt to this change so that it may continue to ensure efficient and effective service delivery and access to justice. As such, the ODPP developed the Excellence Charter, 2020-2023 which lays out fundamental reforms that the Office seeks to undertake in order to improve on its delivery. To aid in this, the Office of Change Management was operationalised by the OCM Framework, to spearhead the professional management and implementation of the change initiatives enshrined in the ODPP Excellence Charter, 2020-2023.

6.4.2 Establishment of the moot court at the PTI

Construction of a moot court is part of the first phase of construction and re-modelling of the PTI.

The moot court is intended to help new Prosecution Counsel understand how real courts work. It seeks to inculcate in the new counsels the Code of Conduct, including dress code and language, as well as help them engage and understand legal concepts and develop confidence, speaking, writing skills and research acumen.



Construction progress of the Moot Court at the PTI, Loresho campus, Nairobi. Completion is set for Mid 2022.



PP Noordin Haji is joined by Presiding Judge, Malindi High Court, Hon. Justice R. Nyakundi and the then Acting EU Ambassador Kenya Katrin Hagemann among other leaders during the launch of MV Adil in Lamu.

4.3 The Launch of *MV ADIL* in Lamu:

The ODPP, in partnership with UNODC/PLEAD, acquired a boat - *MV ADIL* - for the Lamu Office. The boat will be pivotal in facilitating access to justice for the people of Lamu.

5 Modernisation of ODPP processes

5.1 Central Case Intake and E-filing

Central Case Intake is a system where police files are centrally submitted to the ODPP for screening before they are registered in court for plea taking. Once files which have been brought for Central Case Intake have been approved for charge, they are filed through the *Uadilifu* CMS e-filing interface to the Judiciary e-filing system. As of June, 2021, **24,799** case files

were filed through the CMS. At the moment, for the Nairobi region, Central Case Intake is being done at the ODPP Headquarters. This is where files are delivered for the Milimani, Makadara and Kibera offices.

6.5.2 Virtual interviews and induction programs

During the reporting period, the Office conducted online interviews for the recruitment and promotion of staff. Newly recruited staff underwent a hybrid induction program, which involved both physical and online sessions in compliance with the MoH guidelines to prevent the spread of COVID-19. 44 Prosecution Counsel and 5 research officers were inducted.

6.5.3 ICT milestones:

The Financial Year 2020-2021 saw the ODPP advance towards its goal of full digitisation of its processes with the following milestones:

- a) Installation of servers in preparation for digitisation of all ODPP records and rollout of the *Uadilifu* CMS;
- b) Setting up of the ODPP data centres;
- c) Revision of the ODPP Performance Management Framework & System to monitor and evaluate staff performance. This system will enable transparency and accountability in promotion, transfer and training of staff;
- d) Adoption of the data collection tool that was developed to streamline ODPP data collection systems;
- e) Installation of LAN in all the ODPP Regional offices;
- f) Setting up infrastructure and processes in readiness for the roll out of the E-Learning Platform, the Performance Management Framework System and the *Uadilifu* System;
- g) Enhancement of security features for heightened security of all the Office digital processes and the sensitive data; and
- h) Equipping all ODPP offices with laptops, scanners, printers, etc.

6.6 Staff wellbeing

6.6.1 Establishment of a Sanatorium

The ODPP has established a sanatorium at its Headquarters to provide first aid services and treatment for minor illnesses for ODPP staff. The Office has requested the Ministry of Health to second medical personnel to run the facility.



The Sanatorium at the ODPP Headquarters on Ragati Road, Upperhill, Nairobi

7 Improved Public Outreach

7.1 The ODPP Café

The ODPP represents public interest in the criminal justice system. It is therefore important for the ODPP to grow and maintain public trust in its operations. In line with this, the ODPP launched the ODPP Café show on 26th February, 2021. The ODPP Café's discussions are focused on thematic areas within the criminal justice sector which are disseminated to the public in a simplified manner. The show highlights the role of the Prosecutor and the initiatives by the Office to re-energise and enhance stakeholder and public confidence in the criminal justice system.

The thematic areas discussed on the show include juvenile justice, Plea Bargaining, the Decision to Charge and Diversion, among others. Further, the show makes use of social media listening and analytic tools to ensure that it is leveraging on emerging trends and conversations hence remaining relevant to its audience and growing traffic on the Office's social media platforms.

Analytics drawn from the ODPP Café's reach on social media reveal that the audience is multi-faceted. The ODPP Café is exploring ways of partnering with stakeholders and media practitioners to match expectations.



An ODPP Café session on Female Genital Mutilation

6.8 Strengthened Partnerships and Collaborations

The level achievement on the ODPP's mandate and enhanced access to justice partly depends on the quality of the relationships that the Office has with its

working partners. As such, the Office developed the Stakeholder Engagement Strategy which is intended to provide a structured manner through which interagency partnerships and collaborations can be deepened.

6.9 ODPP Status of Implementation of The Excellence Charter (1st Year)

Commitment 1: Independence and Integrity:

Underscores the ODPP core values to honour the constitutional independence with fidelity and courage and introduces amongst others, the Oath of Allegiance, the Ombudsman Office with its sub-units, policy directions and guidelines.

| No. | Planned Activities | Achievements (1st Year) |
|-----|---|--|
| 1. | Develop an ODPP Oath of Allegiance | ✓ Oath of Allegiance developed |
| 2. | Develop an Inspectorate Operational Framework | ✓ Guidelines and tools for the Inspectorate Department developed |
| 3. | Establish an Inspectorate Unit (S.52 ODPP Act)) | ✓ Inspectorate and Quality Assurance department operationalised |
| 4. | Review the Mandate of the Internal Compliance Unit (ICU) | ✓ Draft Review of Internal Compliance and Ethics guidelines developed |
| 5. | Implement the Reviewed Mandate of ICU | ✓ Implementation ongoing |
| 6. | Develop and Implement Integrity Risk Assurance Protocols, guidelines and SOPs | ✓ The code of conduct is at an advanced stage of review |
| 7. | Finalise on sensitisation of the Guidelines on Independent Prosecutorial Decision making and the Exercise of Discretion | ✓ 419 prosecutors duly sensitised ✓ Plans are underway to train more prosecutors |
| 8. | Develop the Curriculum on Independence, Ethics and Integrity | ✓ Included as a module in the 1- year diploma curriculum ✓ Further, the PTI in partnership with UNODC are finalising the development of a training manual on Leadership and Good governance |
| 9. | Develop and implement Memorandum of Understanding between ODPP and Investigative Agencies | ✓ MoU on Case Management between ODPP & IPOA signed on case management |

Commitment 2: Life Long Learning: Aims at equipping staff with requisite skills and capabilities necessary to deliver their mandate and to adopt international best practices within the country hence the establishment of the Prosecutions Training Institute (PTI) to provide continuous professional training and education to the members of staff.

| S. No. | Planned Activities | Achievements (1st Year) |
|--------|---|--|
| 1. | Determine appropriate organisational model for the PTI | ✓ HLM considered and approved the proposed Organisational structure for PTI. |
| 2. | Finalise the development of a PTI curriculum. | ✓ Completed |
| 3. | Obtain registration of PTI | ✓ The PTI is duly registered with the registrar of companies. |
| 4. | Identify and establish collaboration networks | ✓ There have been discussions with Strathmore University and a draft MoU has been prepared for consideration which shall be discussed by HLM for input. |
| 5. | Develop a learning management plan for every staff Ensure each staff prepares and implements learning management plans | ✓ Learning management plan in place ✓ Ongoing process. |
| 6. | Develop Knowledge Management Strategy | ✓ Approved strategy document. Approval was granted by DPP for staff to be trained on knowledge management by KCA university. |
| 7. | Constitute a committee to develop a Succession Planning Policy with clear Terms of Reference | ✓ Committee constituted with clear TORs |
| 8. | Constitute a committee to develop Training Policy and develop their Terms of Reference | ✓ Draft terms of reference have been developed |
| 9. | Institute a Committee to develop an award policy | ✓ Committee established |
| 10. | Develop and implement award Policy | ✓ A draft Rewards and Recognition policy in place. Implementation pending |
| 11. | Develop a visiting professionals and exchange programme | ✓ Approved program. A concept note proposing a workable framework is in place |
| 12. | Training of Trainers (TOTs) Programme | ✓ Approved TOTs programme ✓ Staff trained as ToTs by LWOB and other stakeholders. |
| 13. | Prepare an action plan for virtual knowledge | ✓ An action plan in place. Concept note on e-learning management system prepared and approved. IJM support on customisation of the LMS is ongoing |
| 14. | Establish physical and virtual Knowledge Centre | ✓ A customised off-the-shelf e-learning management system was procured for ODPP by IJM. ✓ An e-learning system was developed in collaboration with LWOB and GIZ |
| 15. | Finalise PTI structural and architectural designs | ✓ PTI structural and architectural designs finalised |

| No. | Planned Activities | Achievements (1st Year) |
|-----|---|--|
| 16. | Finalise PTI approvals for the design. | ✓ Ongoing |
| 17. | Relocate to Loresho premises | ✓ PTI department moved to occupy the premises in November 2020. ✓ Other staff who were stationed at NSSF relocated by end of 2021 |
| 18. | Undertake a ground-breaking for commencement of construction works at the site for the PTI Administration block | ✓ Construction commenced ✓ First phase to be completed by March, 2022 |

Commitment Three: Reshaping Prosecutions: Aims at modernising prosecution by focusing on the fight against corruption, inculcating professionalism, institutionalising prosecution-guided investigations, achieving excellence in complex litigation and emerging crimes.

| No. | Planned Activities | Achievements (1st Year) |
|-----|--|---|
| 1. | Develop and or review "gold standard protocols/ SOPs" in thematic areas | ✓ SOPs on children matters in place ✓ SOPs on SGBV in place |
| 2. | Develop the concept Model Prosecutor Profile | ✓ Approved concept ✓ Conceptualisation done ✓ Draft model prosecutor profile model in place |
| 3. | Develop the Trial Readiness Review Model. | ✓ Model in place |
| 4. | Develop a litigation support strategy | ✓ Draft of strategy approved |
| 5. | Develop a training program on emerging crimes | ✓ Ongoing ✓ Draft training programme approved |
| 6. | Establish the First Year Centre within the PTI and develop comprehensive professional development & skills training curriculum | ✓ 44 Prosecution Counsel II and 5 research officers have undergone an induction training |
| 7. | Establish the Legal Practice Centre in the PTI | ✓ Moot Court construction ongoing |
| 8. | Develop design thinking curriculum in legal innovation | ✓ Curriculum approved ✓ The draft critical thinking training manual has been developed with the support of UNODC |
| 9. | Establish Best Practices and Lessons Learned Unit and develop the programmes | ✓ Operational unit approved programmes |

Commitment 4: Leadership takes cognisance of the fact that leadership exists at all levels of the organisation. The Office will adopt a Servant Leadership Philosophy, establish a Leadership Bureau, a Thought Leadership Program and Mentoring Initiatives.

| No. | Activities | Achievements (1st Year) |
|-----|--|--|
| 1. | Develop a program based on Servant Leadership Philosophy. | ✓ Servant leadership framework developed |
| 2. | Develop a proposal, operational framework and establish leadership centre in the PTI | ✓ Approved framework Centre in place |
| 3. | Develop Thought Leadership Programmes. | ✓ Framework developed |

Commitment 5: Organisational Effectiveness focuses on strategic communication, a responsive organisational structure, robust processes, delivery of quality prosecutions and performance management

| No. | Activities | Achievements (1st Year) |
|-----|---|---|
| 1. | Establish the Office (OCM) | <ul style="list-style-type: none"> ✓ Office of Change Management framework developed ✓ Change management team constituted. |
| 2. | Prepare and implement action plan for Change Management | <ul style="list-style-type: none"> ✓ ToRs Developed ✓ Needs assessment completed ✓ Action plan for change management prepared and implemented |
| 3. | Constitute a Monitoring and Evaluation committee and develop Terms of Reference. | ✓ M&E Team constituted and TORs approved |
| 4. | Establish and operationalise Monitoring and Evaluation Unit | ✓ Committee established |
| 5. | Review the existing strategic communications strategy | <ul style="list-style-type: none"> ✓ Committee constituted to review existing communications strategy; ✓ Strategy reviewed and Committee is developing new strategy |
| 6. | Implement strategic communications strategy | ✓ Development of the new communication strategy is at an advanced stage |
| 7. | Develop and implement policies on mainstreaming of HIV/AIDS, Alcohol and Substance Abuse and other emerging pandemics | <ul style="list-style-type: none"> ✓ The policies have been finalised and Aligned to the current trend and statistics from NACADA -ADA and NACC for HIV policy document ✓ The final policies to be forwarded to the HLM and subsequently to the DPP for his concurrence and approval. |
| 8. | Constitute a team to review and develop the Service Delivery Standards | ✓ Completed |
| 9. | Finalise review and develop Service Delivery Standards | ✓ Standards finalised and approved |

| No. | Activities | Achievements (1st Year) |
|-----|---|--|
| 10. | Develop Risk Management Strategy | ✓ Developed Risk management Strategy |
| 11. | Develop an automated case management system | ✓ Completed |
| 12. | Develop instruction manual on Data Collection | ✓ Developed and rolled-out |
| 13. | Organise sensitisation forums on data collection tools | ✓ Virtual forums undertaken. |
| 14. | Conduct specific Needs Assessment for all ODPP regional offices | ✓ Needs Assessment has been undertaken ✓ Implementation of the Needs Assessment report, ongoing |
| 15. | Upgrade the ICT network | ✓ Needs assessment done, ✓ Structural cabling done, ✓ IPSBX system been installed, ✓ Data centre upgraded, ✓ Power-back up system installed |
| 16. | Develop Wellbeing and Safety Initiatives Support programme | ✓ Staff provided with testing and vaccination against covid -19 ✓ Establishment of a Sanatorium and a Lactation room ✓ Counselling services availed to staff |
| 17. | Spearhead the development of case management system | ✓ <i>Uadilifu</i> Case Management System was developed and operationalised |
| 18. | Develop Guidelines for Delegation of Decision-making Power | ✓ Guidelines developed |
| 19. | Roll out guidelines for delegation of decision making power | ✓ Sensitisation undertaken |
| 20. | Review and Revise Human Resource manual | ✓ Draft Manual under review |
| 21. | Finalise and implement the ODPP organizational structure | ✓ ODPP organisational structure finalised ✓ Implementation ongoing |
| 22. | Appoint the Performance Management Committee | ✓ Performance Management Committee in place ✓ An automated Performance Management System developed |

Commitment 6: Inter-Agency Networks Focuses on reshaping our operations on collaboration with our external stakeholders. To this end, the Office shall focus on stakeholder management, donor coordination strategy, Mutual Legal Assistance, Leadership Networks and the Justice Sector Cooperation Network.

| Activities | Achievements (1st Year) |
|---|--|
| Undertake a Stakeholder mapping | ✓ Completed |
| Develop a stakeholder management strategy | ✓ Completed |
| Develop a donor coordination strategy | ✓ Done and combined with Stakeholder Engagement Strategy |
| Identify and create linkages with relevant professional networks | ✓ Has membership in Professional Networks: ESAAMLG, EAAP, APA, IAP, ARINSA, ARINEA and GLJCN |
| Organise leadership development forum | ✓ Staff taken through self-leadership sessions. |
| Develop a database of regional professional networks | ✓ Done: The Office is a member of the International Association of Prosecutors (IAP), East African Association of Prosecutors (EAAP) and African Association of Prosecutors (AAP). |
| Participate in the activities of the professional networks. | ✓ The ODPP is actively involved in the activities of relevant professional networks |
| Actively participate and support the initiatives, functions, strategies and objectives of NCAJ and MATT | ✓ MATT & NCAJ meetings attended by appointed office representatives |

1.1 Message from Development Partners

Lawyers Without Borders

Lawyers Without Borders advances the global rule of law, builds capacity and integrity in the world's justice sectors, and promotes access to justice. During the reporting period, we partnered with the ODPP on several initiatives, all reached successful completion despite challenges presented by the COVID-19 pandemic.

Supported by the US Department of State's Bureau of International Terrorism, and supported by Lawyers Without Borders, the Collaborative to Establish a Training Institute (CESTI) project helped the ODPP launch the Prosecution Training Institute. With an eye toward sustainability, PTI received needed technology to operate and train personnel to carry out its mission. Cultivated by the ODPP, a core group of Kenyan prosecutors serve as Institute trainers providing capacity building for prosecutors. The project also improved the ODPP's management capacity providing a computer-based case management system

that established a secure repository for case documents, linked to an e-filing system.

Lawyers Without Borders in partnership with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) worked closely with the ODPP, and other partners, to enhance processes and procedures related to the use of forensic evidence. As a result of this project, the ODPP now has two new software systems. First, the Forensic Case Management and e-Disclosure system, upgraded the ODPP's existing Case Management System to allow for forensic evidence tracking. The system independently assesses and tracks the use of forensic evidence. The second, a new eLearning management platform, provides continuous delivery of online training, with 12 forensic science modules already loaded on the system.

Supported by the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs, Lawyers Without Borders' worked with the ODPP to increase capacity to counter wildlife trafficking crimes in Kenya and Tanzania. The four-year project increased cross-border information sharing and trial advocacy skills, leading to case development and the more efficient use of evidence in court. The initiative's success can be measured by many metrics, but all add up to a Kenyan criminal justice system that is now more accountable and better prepared to handle cross-border wildlife crime cases. In a post-project survey, 96% of the respondents reported improved their knowledge of complex wildlife crime prosecution—and 95% said it improved their skill and confidence in the court.

2. British High Commission

The United Kingdom is pleased to have partnered with the Office of the Director of Public Prosecutions during the fiscal year 2020/21. This partnership is formalised through the Security Compact between the UK and Kenya signed in January 2021. The UK's partnership with the ODPP is primarily delivered through the Criminal Justice Adviser (CJA) in addition to the UK's National Crime Agency (NCA) International Liaison Officers based at the British High Commission in Nairobi. The main focus of our partnership is tackling terrorism and serious organised crime, including financial crime, and comprises both formal and informal training and equipment provision. In fiscal year 19/20, the UK supported the development phase of the important Decision to Charge Guidelines launched in this fiscal year. In addition to direct support, the UK has been pleased to join with other development partners and contribute to their activities.

The support on serious organised crime encompassed technical assistance, crypto currency training, training on informal value transfer systems and the support of a visiting forensic accountant. This support was aimed at complex, serious cases. Additionally, ODPP prosecutors were regularly invited to address investigators and analysts at investigation focused training ensuring these training sessions included a prosecution perspective. The counter-terrorism support comprised of technical

assistance, phases one and two of a multi-agency in-depth terrorist financing course and training on security awareness.

Wider support has included training prosecutors in communications skills through a virtual course "Introduction to Communications" and a multi-agency Women in Criminal Justice event where Kenya joined with Tanzania, South Africa, Mauritius and the UK to discuss a joined-up cross-border approach to tackling regional serious and organised crime.

The UK and Kenya enjoy a strong partnership on extradition and mutual legal assistance (MLA) matters. In addition to providing direct support on requests, the CJA and NCA supported a comprehensive multi-agency MLA training which included ODPP prosecutors. Lastly, the UK supported the development of Mutual Legal Assistance and International Cooperation Guidelines for Prosecutors and we look forward to seeing these Guidelines finalised in the coming fiscal year.

3. UNODC through PLEAD

UNODC through the PLEAD Programme partnered with the ODPP in a number of initiatives during the financial year 2020-2021.

With the onset of the Covid-19 pandemic, PLEAD reshaped its support to respond to the challenges. This was done through, inter alia, the introduction of virtual trainings on diversion and plea bargaining. ODPP also supported in the development of related e-learning content for the National Police Service. Technical support was also provided to strengthen the Prosecution Training Institute through the development of the draft ODPP Induction Curriculum. In addition, the drafting of three training manuals – Leadership and Good Governance, Critical Thinking and ICT commenced during this period.

The launch of the ODPP Excellence Charter on 8th June 2021 was a key milestone during this reporting period. The development of the Excellence Charter benefited from the technical expertise and consultations that were facilitated by UNODC consultants. In addition, PLEAD commenced support in the review of some of the business processes

Within the ODPP, as part of the operationalization of the Transformation Roadmap highlighted in the Excellence Charter, with specific focus on the immediate and short-term interventions. To this end, PLEAD supported in a review of the ODPP's Human Resources Policies and Procedures Manual and Handbook; and the Code of Conduct and Ethics. Data collection, field visits and surveys across various ODPP offices in the country were undertaken during the reporting period. To compliment technical support, PLEAD also provided hardware support to the ODPP. This included the procurement of a 10-seater passenger boat for the ODPP office in Lamu, 10 auditorium seats, 33 laptops, 28 fireproof lockable cabinets, 33 printers/scanners and cartridges and 28 packages of 'office-in-a-box'.

United States Department of Justice (USDOJ)

The United States is honored to have partnered with the ODPP to enhance its capabilities during fiscal year 2020/2021. U.S. support was provided through various efforts, including the assignments of three (3) Resident Legal Advisors (RLAs) from the Department of Justice's Office of Overseas Prosecutorial Development Assistance and Training (DOJ/OPDAT), engagement with U.S. Fish and Wildlife Service (FWS), technical support from the Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL), and coordination on mutual legal assistance and extradition matters.

DOJ/OPDAT has worked collaboratively with the ODPP over a decade to enhance prosecution capabilities through training, case support and development and implementation of guidelines and policies. Assigned to the U.S. Embassy in Nairobi, the RLAs focused on three thematic areas funded through the United States Department of State: (1) Rule of Law; (2) Anti-Corruption; and (3) Counterterrorism (CT). For the Rule of Law program funded by the Department of State's Bureau of African Affairs, key areas of support to the ODPP included the development, publication and launch of the Decision Charge Guidelines and implementation of monitoring and evaluation of the intake process. Implementation of Kenya's plea agreement scheme remains a high priority area for the United States in Kenya, with DOJ/OPDAT

continuing to increase capacity amongst prosecutors and collaborating with the ODPP to train Department of Children Services Officers across the country on plea agreements as well as on diversion. The Rule of Law program also supported, through technical expertise, the development of ODPP's Prosecutor's Guide on Handling Children in the Criminal Justice System. Additionally, ODPP invited the Rule of Law RLA to facilitate workshops with new prosecutors on international cooperation in criminal matters, handling children in the criminal justice system, and the decision to charge process.

For the Anti-Corruption program funded by INL, DOJ/OPDAT continued to provide formal and informal training directly to prosecutors handling complex corruption cases. For instance, in March 2021, in partnership with the U.S. Federal Bureau of Investigation, DOJ/OPDAT coordinated and facilitated a training of prosecutors, investigators and analysts on investigating and prosecuting corruption cases. ODPP also invited the Anti-Corruption RLA to share U.S. experiences in handling corruption and complex fraud cases at its new prosecutor induction program. Additionally, the Anti-Corruption RLA coordinated an introductory cybercurrency workshop for prosecutors and investigators and coordinated a multi-agency relationship-building study tour to Washington, DC, which included five corruption prosecutors.

For the CT program funded by the Bureau of Counterterrorism, DOJ/OPDAT worked collaboratively with the ODPP to build capacity to prosecute terror-related cases through case-based mentoring, training, and providing technical support to Kenya's Joint Terrorism Task Force and Kahawa Law Courts, both of which include ODPP prosecutors. DOJ/OPDAT and the ODPP partnered to assist the Kahawa Court Users Committee to draft and validate the Kahawa Rules of Court, the first local rules ever established in Kenya. Also funded through the Bureau of Counterterrorism, the Kahawa Law Court is now fully operational and features six ODPP prosecutors working on CT, human trafficking, wildlife and forest product trafficking, and other transnational criminal cases.

The United States, through FWS, sought ODPP advice and engagement on creation of and collaboration with an interagency wildlife/forest product anti-trafficking task force. ODPP prosecutors at Kahawa Law Court successfully charged the first cases from the task force in late 2021.

The United States, through INL, also offered technical support to the ODPP through the provision of information, communication and technology equipment. Deployed by ODPP to its various offices, the equipment aided ODPP to operationalize its central intake and Uadilifu Case Management System. INL also provided 100 Grey Books, which compiles various Acts of Parliament governing the substance and procedural matters commonly arising in criminal and civil litigation, that were distributed to new prosecutors, the Prosecution Training Institute and for use at various intake locations. Additionally, INL continued to extend international training opportunities to prosecutors, many of which were formatted as virtual programs due to the COVID-19 pandemic.

Finally, the United States and Kenya have worked collaboratively on international cooperation cases, including extradition and mutual legal assistance (MLA) matters. During fiscal year 2020/2021, the ODPP achieved the first extradition from Kenya to the United States for wildlife trafficking offenses. In addition to providing direct support on MLA requests from Kenya to the United States, DOJ/OPDAT facilitated several MLA trainings with prosecutors and investigators and supported the development of Mutual Legal Assistance and International Cooperation Guidelines for Prosecutors which the United States looks forward to seeing finalized in the coming fiscal year.

5. Attorney General Alliance (AGA) Africa

The Office of the Director of Public Prosecution (ODPP) Kenya has been a consistent and valued partner for AGA-Africa Programmes.

They have not only collaborated with AGA-Africa on effective training programmes but also provided subject-matter experts in the areas of Cybercrime and Electronic Evidence, Anti-Human Trafficking, Gender-Based

Violence, Asset Forfeiture, Anti-Money Laundering Prosecution of Election Cases and Covid and its Impact on the Rule of Law, to share their knowledge with partners in other countries including Kenya, Malawi, Seychelles South Africa and Zambia. We commend the ODPP for their leadership and foresight in tackling transnational crime not only in Kenya but also on the continent.

Between June 2020 and June 2021, our two organizations have enjoyed robust engagements. In June 2020, we joined hands for a Financial Crime virtual workshop which took place throughout the month of June. 150 junior, mid-level and senior officers participated in the workshop.

AGA-Africa also participated in the development of the two legal instruments titled: 'Decision to Charge' and 'Case Management System' published by the ODPP. The two documents were launched on 28th July 2020 at the Prosecution Training Institute in a colourful event themed *Independence, Transparency and Fairness in Prosecution Service*.

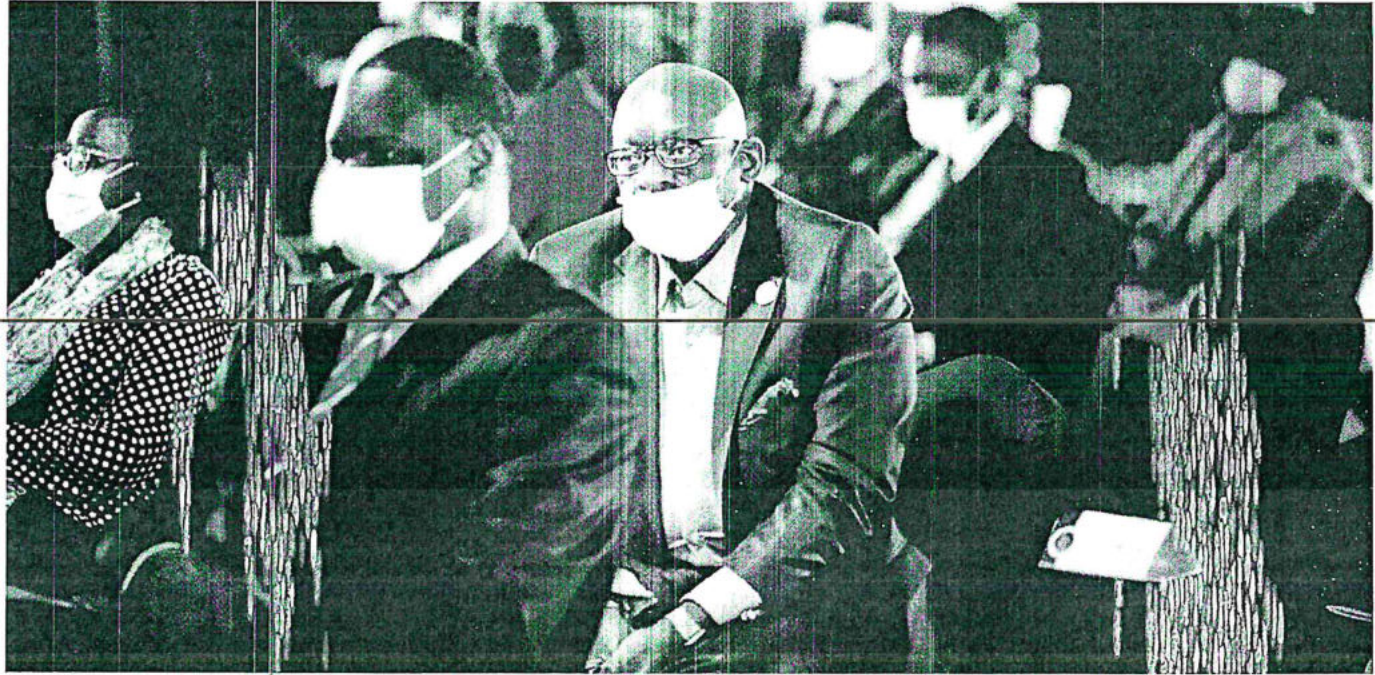
On 9th December 2020, we organized a 'Gender-Based Violence' webinar. The webinar brought together prosecutors from Kenya. The webinar was aimed at empowering prosecutors to effectively investigate and prosecute gender-based offences.

ODPP kicked off AGA-Africa's 2021 calendar with a 5-day Management Skills Training virtual workshop from 11th – 15th January 2021. The workshop was aimed at equipping ODPP officers in senior management in leadership, motivation, supervision, and teamwork.

In June of 2021, AGA-Africa Programme Director and Strategic Advisor Chukukere Unamba-Oparah represented AGA-Africa at the launch of ODPP's Excellence Charter on 8th June 2021.

AGA-Africa trainings have received praise for their huge resource base of talented local, regional and international subject-matter experts. Participants have termed the engagements as impactful and have reported acquiring new knowledge, and benefitting from transfer of skills as a result of the trainings.

The ODPP has been very instrumental in aiding AGA-Africa achieve its mandate. We would particularly like to thank the ODPP for their partnership. We laud the leadership and foresight of Noordin. M. Haji, Director of Public Prosecutions and Dorcas Agik Oduor, Secretary, Public Prosecutions for their support throughout the years.



Noordin M. Haji, AGA-Africa Programme Director and Strategic Advisor at the launch of the Excellence Charter on 8th June 2021

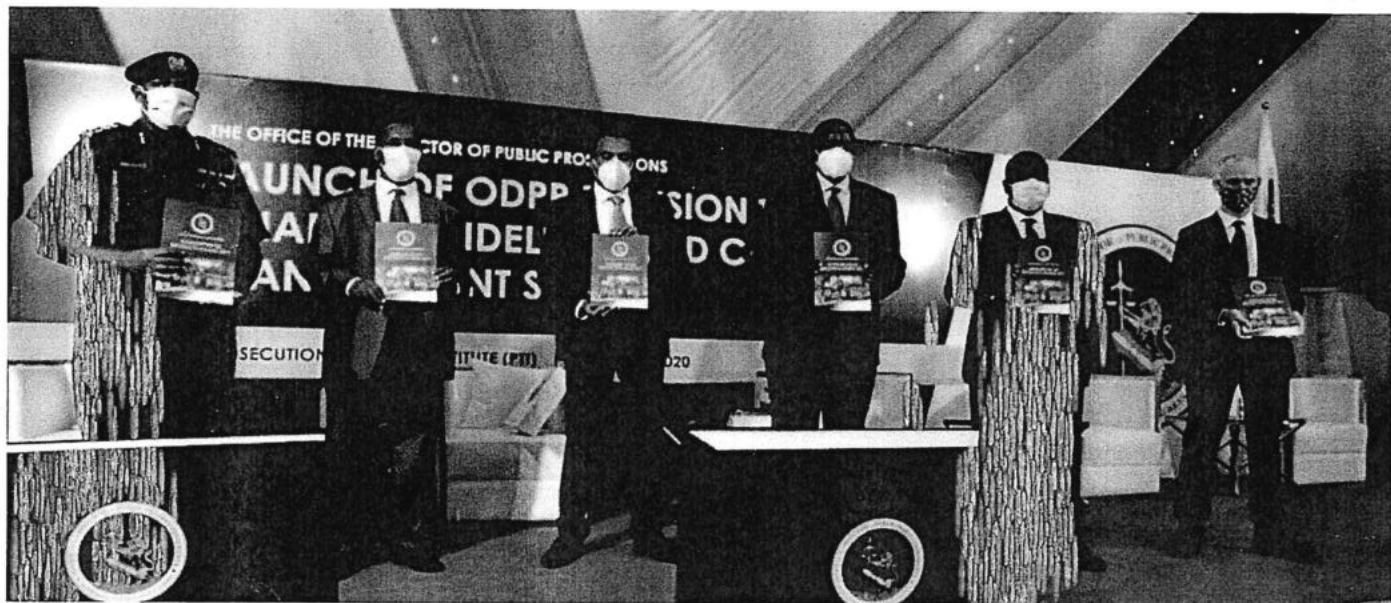


Screenshot of the Management Skills Training Virtual workshop that took place on 11-15th January 2021

6. International Justice Mission (IJM)

IJM supported ODPP in drafting the Decision to Charge guidelines since August 2018, the guidelines were finalized in April 2020 and ODPP launched them on 28th July 2020. Since the launch, IJM has been working with ODPP to roll out the guidelines countrywide through; countrywide online sensitization sessions, procuring a

mobile application developer to develop a DTC mobile application which will allow prosecutors to access the guidelines and fill in the forms easily on their phones and procuring an animation video company to create a DTC animation video to sensitize the public on the guidelines.



June 2021 IJM and ODPP held a DTC experiential learning training for the ODPP coast region. DTC guidelines were distributed to the prosecutors within the region and the DPP attended the training encouraging prosecutors to exercise their constitutional mandate in making the DTC.

On 8th June 2021 ODPP invited IJM to a donor roundtable meeting at the Prosecution Training Institute. The purpose of the meeting was to identify key areas of collaboration with ODPP.

ODPP have also been attending IJM's quarterly Victims and Witnesses Psychosocial Support Network meetings. The network brings together psychosocial staff from both government agencies and other civil society organizations. The agenda for the meetings is to collaborate on the provision of psychological services to victims of injustice.



German Federal Foreign Office through GIZ

The German Federal Foreign Office through GIZ supported the ODPP in enhancing its capacity to deliver its mandate through the following activities:

supported the development of a forensic component for electronic case file management system that will further the office's move to adoption of the use of forensic science prosecution.

The GIZ further supported the development of e-learning platform to facilitate skill-building of ODPP officers and establish a collaboration platform for the Office. There are currently 12 forensic courses developed for the e-learning platform.

Additionally, the GIZ organised a moot court training for 48 new prosecutors that aimed to enhance the skill of new Prosecution Counsel through case simulations and practical experience.

To facilitate inter-agency cooperation within the criminal justice sector, the GIZ supported the development of an MoU between the ODPP, NPS, NPSC and IPOA

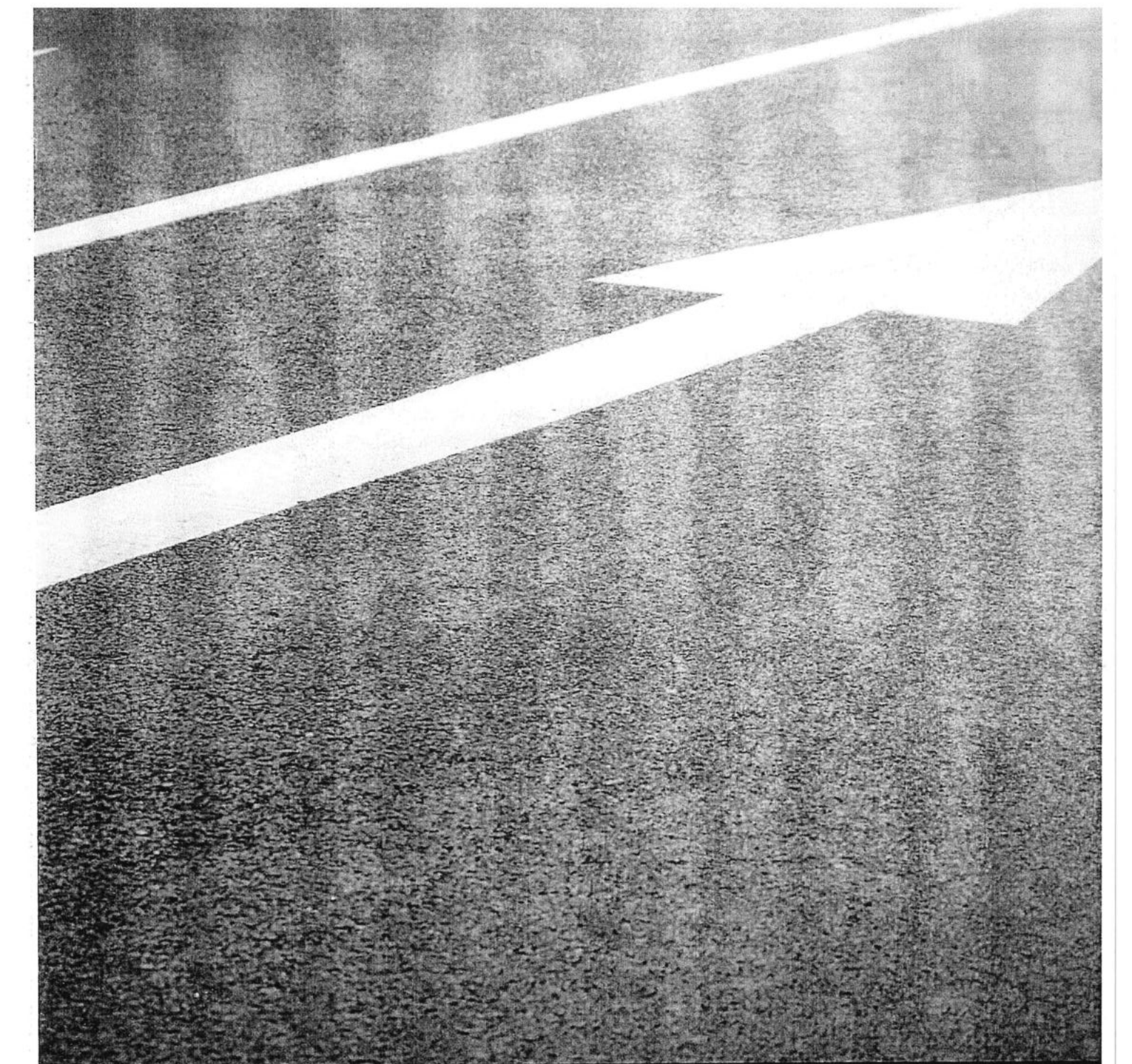
The GIZ also facilitated the infrastructural development of the ODPP through procurement of Information technology hardware which comprised of 35 Desktops, servers, copying machine, scanners, hard drives, laptops, touch screens, cameras.

Office of the United Nations of High Commissioner for Human Rights (OHCHR)

The Office of the United Nations of High Commissioner for Human Rights (OHCHR) supported the ODPP to develop the Standard Operating Procedures on Investigations and Prosecution of Serious Human Rights Committed by Police Officer through a Tripartite Taskforce comprising

ODPP, IPOA and NPS. The SOPs were launched on 8 June 2021 during which heads of agencies from NPS, DPP, IPOA and Cabinet Secretary of Ministry of Interior committed to implement it.

OHCHR supported the ODPP through technical support to conduct needs assessment on the ODPP SGBV Units' needs, challenges and capacity to prosecute sexual violence committed by police officers, which has been finalised and submitted to the ODPP for adoption and implementation. OHCHR also supported the ODPP through technical support to prepare charge sheet and reference guide under the Prevention of Torture Act that is currently awaiting finalisation and roll-out. OHCHR also provided technical support of case mentoring to 19 prosecutors alongside investigators from IPOA on the Baby Pendo Case aimed at enhancing capacity on prosecution of the case -that awaits registration in courts- through command responsibility and international criminal law in Kenyan courts.



CHAPTER SEVEN

WHAT THE FUTURE HOLDS

7.0 Introduction

The ODPP seeks to establish itself as a 21st Century prosecution service. This will enable the Office to effectively respond to the ever-changing landscape of crime resulting from increased digitisation and globalisation. In tandem with this, the Office is contributing to the implementation of the two national development strategies, namely, the Kenya Vision 2030 and the Big Four Agenda.

The ODPP has implemented the following strategies:

- Increased focus on the environment;
- Increased use of technology;
- Adoption of data driven policies;
- Education and training through the PTI;
- Enhanced communication;
- Focus on recovery of proceeds of crime;
- Adoption of restorative justice as a guiding principle; and
- Identification of emerging crimes.

7.1 The environment

Incidences of environmental crimes are increasing, and therefore increasingly endangering our ecosystems. This is a threat to sustainable livelihoods, governance and revenue streams. Environmental crimes have an impact beyond those posed by regular offences. They are often part of larger global networks of transnational organised crimes which in turn fund corruption, trafficking of drugs, hazardous dumping and terrorism.

In a bid to build consistency and capacity in the implementation of Kenya's environmental laws and tackle increasing complexity of such laws, the ODPP is in the process of publishing a Handbook on the Prosecution of Environmental Crimes. The Handbook will provide prosecutors with in-depth information required for effective prosecution of environmental crimes. The Office also intends to carry out training and increase

collaboration between relevant agencies concerned with this category of crimes.

At the PTI, the Office has been carrying out continuous tree planting sessions in collaboration with various stakeholders. The PTI is envisioned to be a completely green institute, with measures in place for recycling of waste, limited plastic use and use of solar as a source of energy.

7.2 Technology

The ODPP has increased its use of technology to enhance accountable and efficient service delivery by the implementation of:

1. Use of Artificial Intelligence in Prosecutions

The ODPP envisions a future leveraging on advancements in Artificially Intelligent technology in prosecution of cases. This will help reduce the Office's workload through expedited disposal of cases.

2. Digital evidence

In recognition of the increased digitisation of today's world, the Office realises the importance of keeping up with emerging technology, especially technology that affects the nature of crime. Consequently, the Office is planning to incorporate a forensic unit that will coordinate the use of digital evidence in the prosecution of cybercrimes, and other emerging digitally enabled crimes.

3. Adoption of data driven policies

In recognition of the importance of data in prosecution services, the Office seeks to utilise data in policy formulation and decision making in the following ways:

a) Evidence analysis

The Office is in the process of collating data on the different kinds of evidence that are admissible in cases. This data is intended to inform a checklist that will be utilised by prosecutors to conclude cases successfully.

b) Crime mapping

Crime Mapping is the use of a visualisation tool (Map) to display raw geographic data and output from analysis. Within the criminal justice sector, it is used as a means of analysing crime occurrence, and the relation of crime to a locality.

Crime mapping has been identified as an important tool in the analysis of crime patterns and crime forecasting thereby enabling informed and well targeted allocation of

resources, deployment and strategic planning including budget allocation. It is also critical in helping develop strategic interventions that fit the community, national and regional needs.

The Office plans the integration of Geographic Information Software (GIS) into its internal operations which is intended to help in crime mapping.

Maps that the Office has so far developed are shown in the figures below;

Figure 7.1 Map representing Crime Incidence: Central Region

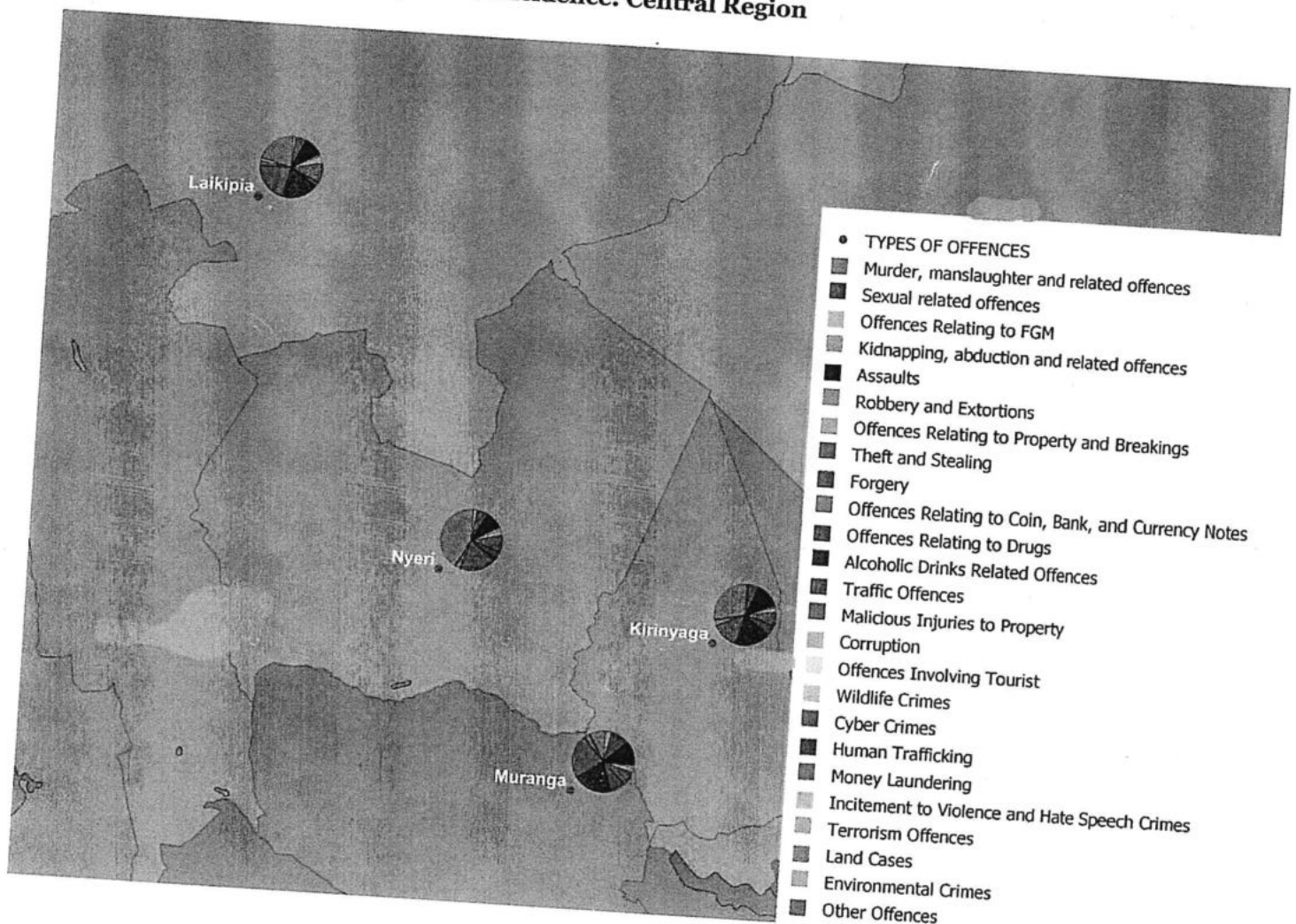


Figure 7.2 Map representing Crime Incidence: Coast Region

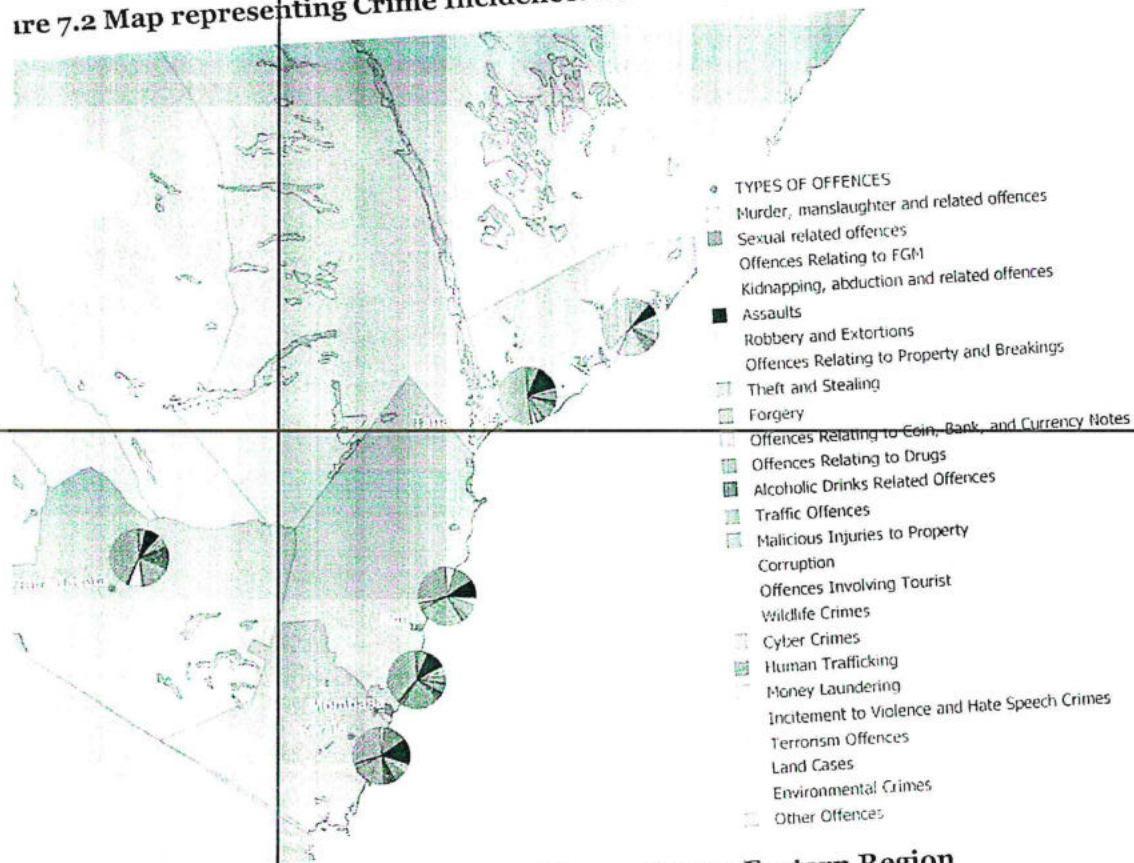


Figure 7.3 Map representing Crime Incidence: Lower Eastern Region

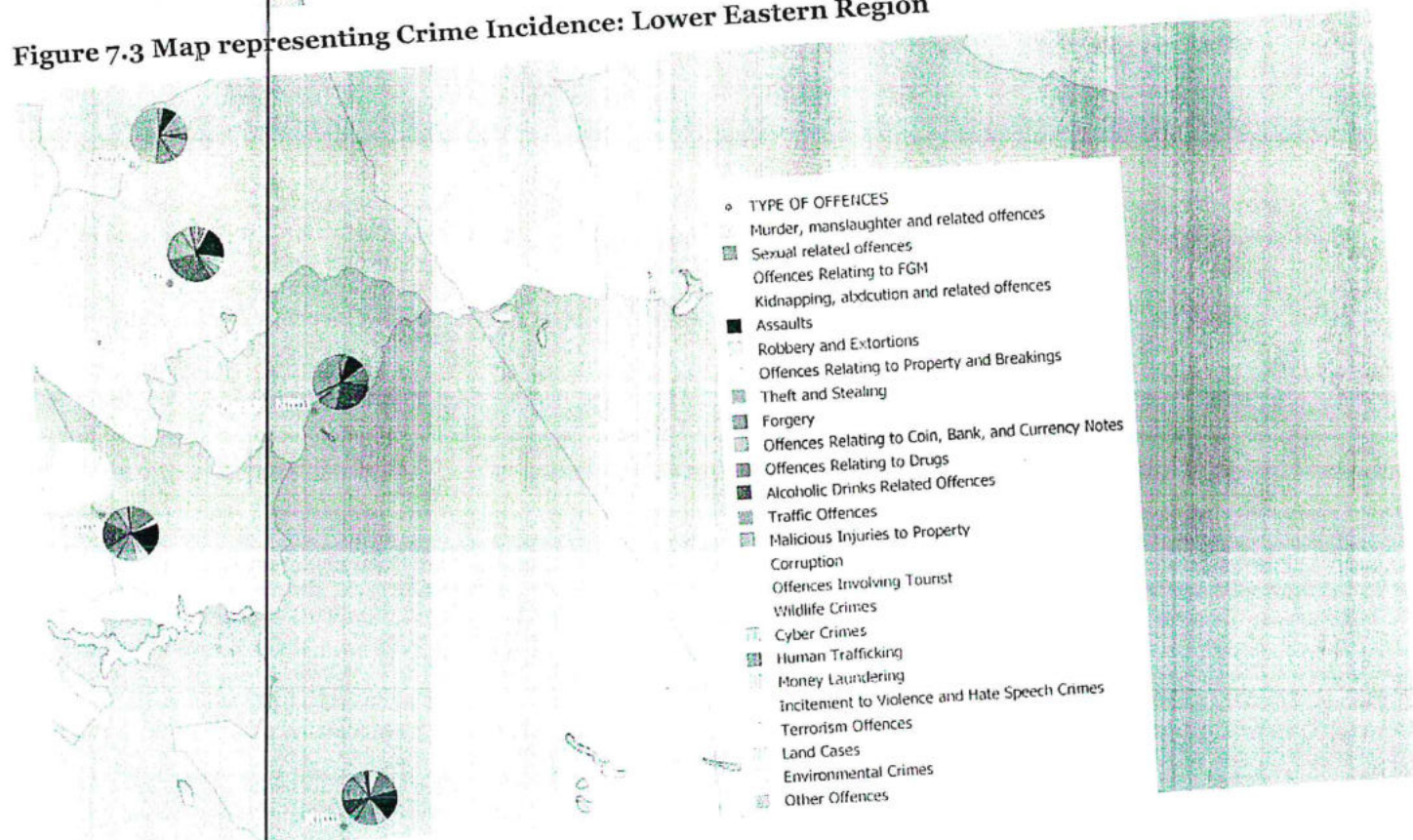


Figure 7.5 Map representing Crime Incidence: North Eastern Region

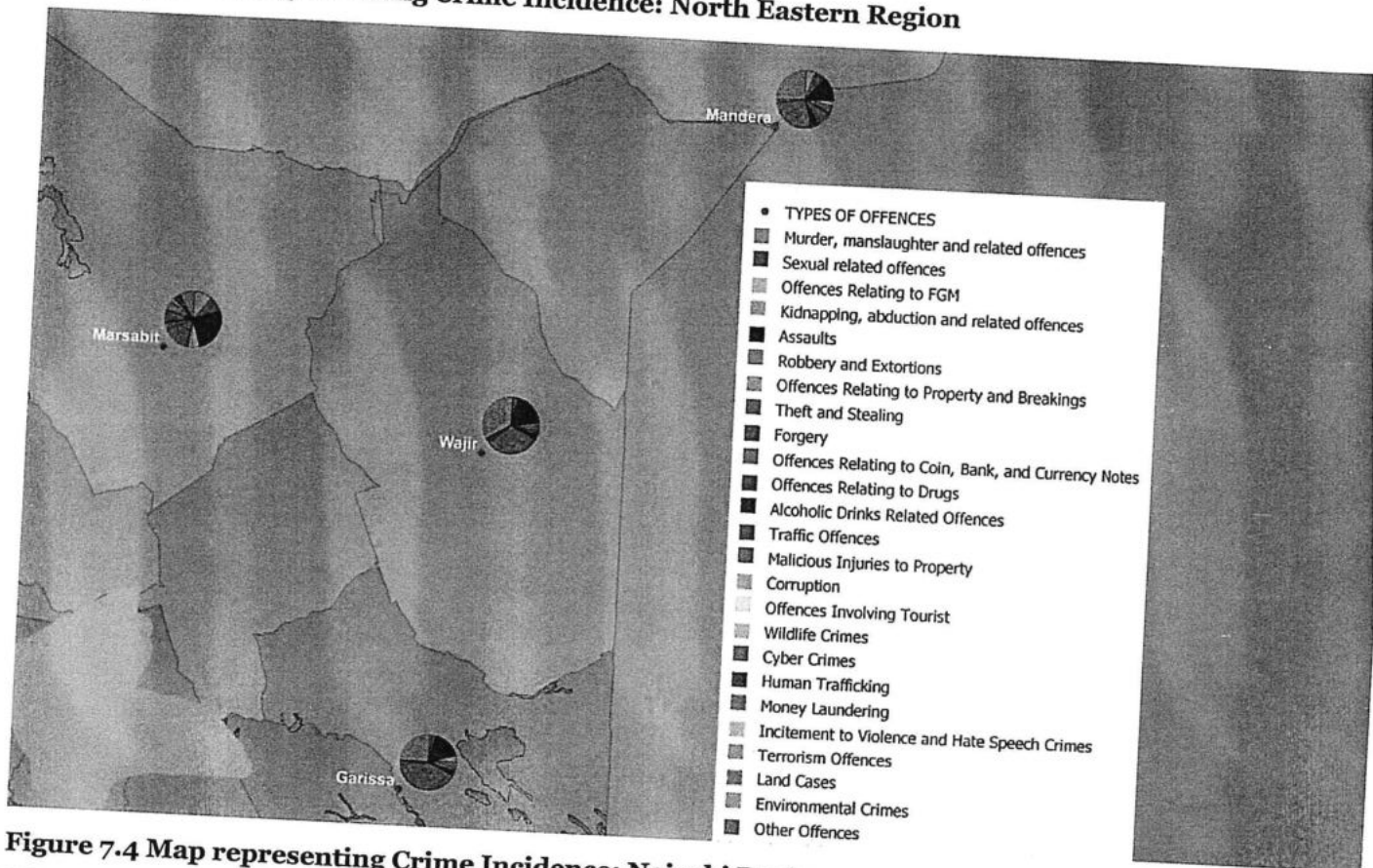
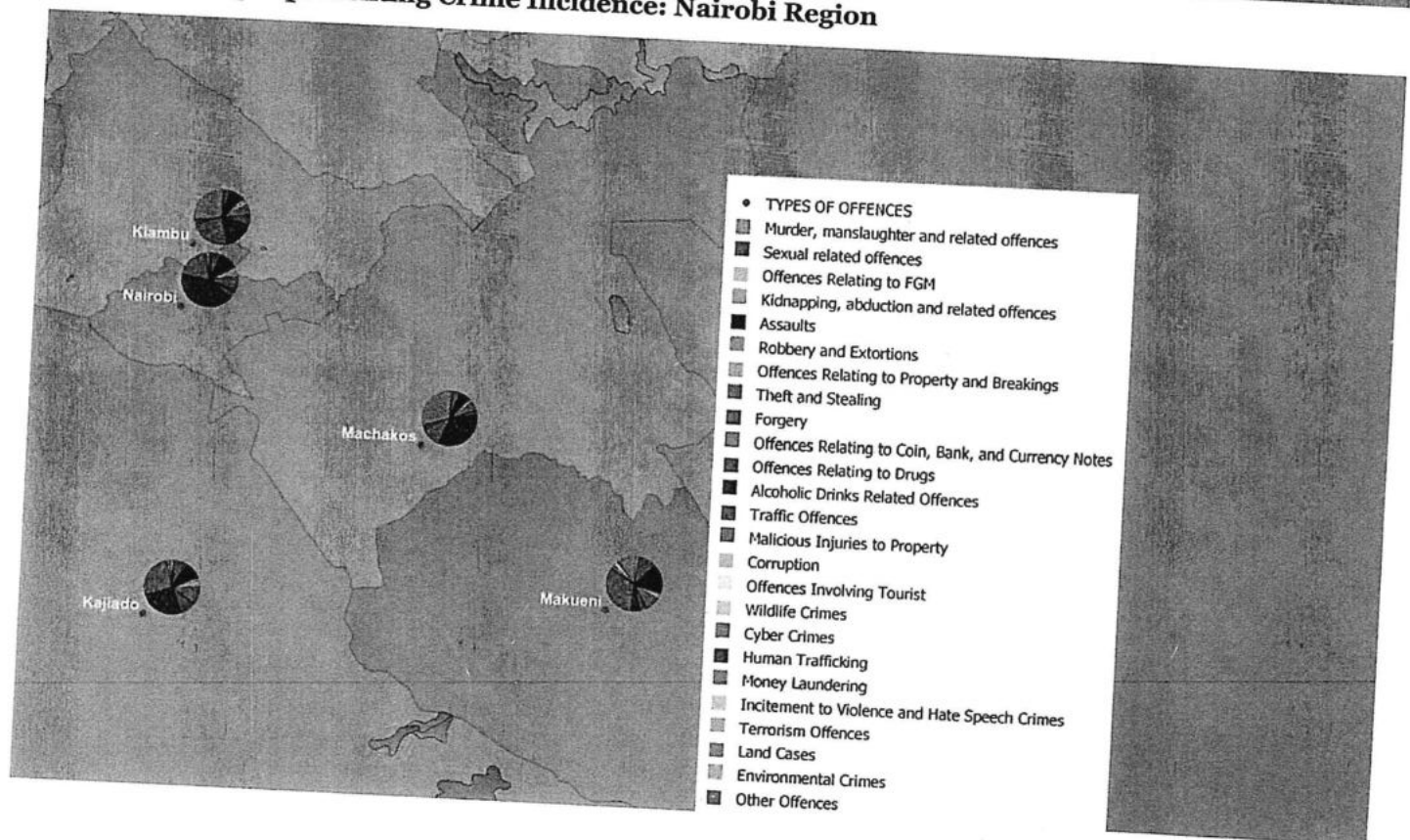


Figure 7.4 Map representing Crime Incidence: Nairobi Region



Criminal Justice Actors

Due to the increasing complexity and transnational nature of crime, the ODPP continues to prioritise cooperation and collaboration with other criminal justice actors in local and foreign jurisdictions. The Office is currently enhancing communication between itself and the other criminal justice actors to foster stronger relationships that benefit its prosecutorial services to the public.

Emerging crimes

The Office recognises that in order to effectively combat emerging crimes, it will need to stay ahead of the curve and identify which crimes are becoming increasingly common. This will allow the Office to tailor training programs and research in these areas, giving prosecutors the skills and

knowledge that they will require to handle such matters. This is also important because technology has simplified criminal techniques so that more individuals can offend, increased the number of crimes an individual can engage in at a short span of time, introduced new forms of crime, and changed the nature of traditional crimes.

The crimes that the Office has identified as future threats are:

1. Biological crimes;
2. Artificial intelligence-enabled crimes;
3. Identity theft related crimes;
4. Internet of Things related crimes; and
5. Ransomware.



CHAPTER EIGHT

A DECADE OF STEADY GROWTH

8.0 A HISTORY OF PROSECUTIONS IN KENYA (1895-2011)

PRE-COLONIAL

'Prosecution' during this period largely relied on village elders and chiefs.

PRE-INDEPENDENCE
The colonial Attorney General (AG) was the Director Public Prosecutor. Under him, there was a Deputy Public Prosecutor.

POST-INDEPENDENCE

Prosecution services were under the State Law Office.
Police prosecutors prosecuted matters at the Magistrates' Courts and acted on delegated powers from the AG.



ATTORNEYS GENERAL OF EAST AFRICA PROTECTORATE 1895-1920

- Alfred Karney Young (1906-1909)
- Ralph Molyneux Combe (1912-1914)
- Sir, Jacob William Barth (1914-1918)
(Chief Justice of Kenya, 1920)
- Ivan Llewellyn Owen Gower (1918, acting)
- Robert William Lyall-Grant (1918-1920)



ATTORNEYS GENERAL OF BRITISH KENYA (1920-1963)

- Robert William Lyall-Grant (1920-1925)
- Ivan Llewellyn Owen Gower (1925-1926) (acting)
- Sir Walter Huggard (1926-1929)
- Sir Alisdair Duncan Atholl MacGregor (1929-1934)
- Walter Harragin (1933-1941)
- Sir Stafford W.P. Foster Sutton (1944-1948)
- Sir Kenneth O'Connor (1948-)
- John Whyatt (1951-1955)
- Sir Eric Newton Griffiths-Jones (1955-)
- Diarmaid William Conroy (-1960) (acting)
- Sir Eric Newton Griffiths-Jones (1960-1963)



CHARLES MUGANE NJONJO 1963 - 1980

He served as Deputy Director of Public Prosecutions before he was appointed the AG, succeeding A.M.F. Webb, QC, in 1963.



AMOS WAKO 1991 - 2011

Amos Wako, was appointed Attorney General on May 13, 1991, a position he held until August 2011.



MATHEW GUY MULI 1983 - 1991

Mathew Guy Muli became Kenya's fourth Attorney General in January 1983 following the resignation of Mr. James Kamau.



JOSEPH KAMAU KAMERE 1981 - 1983

Joseph Kamere became Kenya's third Attorney General on June 6, 1981.



JAMES BORO KARUGU 1980 - 1981

Mr. Karugu was the Deputy Public Prosecutor, until April 1980 when he became the AG.

THE ODPP: 2010-2020

2010

Following the promulgation of the new Constitution in 2010, the Office of the DPP was delinked from the AG's office and established as an independent authority



KERIAKO TOBIKO, CBS, SC (2011 - 2018)

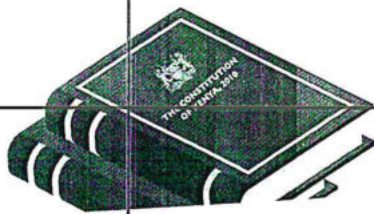
Keriako Tobiko became the first DPP under the new Constitution (2010)



NOORDIN M. HAJI, CBS, OGW (2018 - PRESENT)

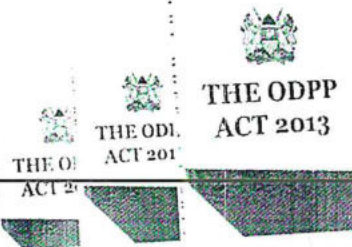
Noordin Haji took over as the second DPP in 2018

8.1 LEGAL & STRATEGIC FRAMEWORK



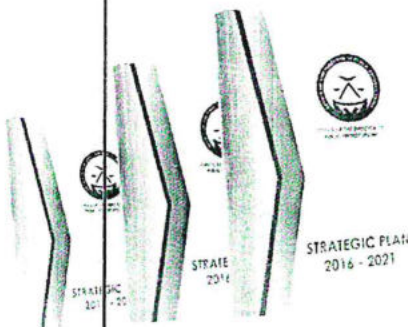
THE CONSTITUTION OF KENYA, 2010

The ODPP is Established under Article 157



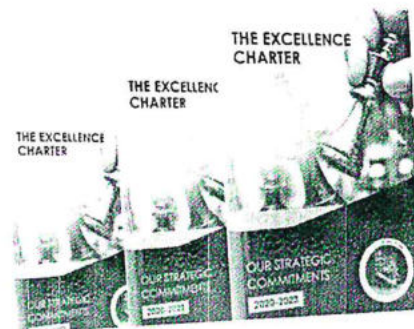
THE ODPP ACT, 2013

An Act of Parliament to give effect to Article 157 & 158 of the Constitution and for connected purposes



ODPP STRATEGIC PLAN 2016-2021

The plan was developed to guide the operations of the ODPP



THE EXCELLENCE CHARTER: OUR STRATEGIC COMMITMENTS 2020- 2023

This revised the Strategic Plan 2016-2021.

THE NATIONAL PROSECUTION
POLICY, 2007



THE DECISION
TO CHARGE



SOPS MANUAL & RAPID
REFERENCE GUIDE ON
PROSECUTION OF
FGM CASES



PRACTICE DIRECTIONS ON
THE DELEGATION OF
PROSECUTORIAL POWERS



DEFERRED
PROSECUTION
AGREEMENT



POLICY DEVELOPMENT

DIVERSION
GUIDELINES



A PROSECUTOR'S GUIDE
TO CHILDREN IN THE
CRIMINAL JUSTICE
SYSTEM



DIPLOMA IN
PROSECUTIONS



PLEA BARGAINING
GUIDELINES



Delinking from the
State Law Office



In 2011, the ODPP
had 13 field stations
countrywide and from
2014, 47 County Offices



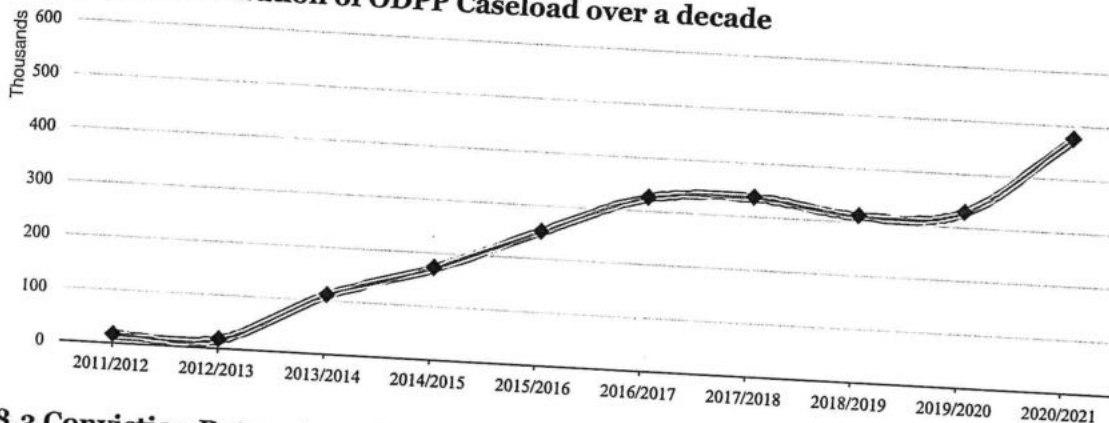
In 2018, 9 regional
offices were created to
ease administration

8.2 Prosecution Performance

Table 8.1 Overall Caseload

| 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 17,000* | 18,000* | 111,566 | 173,161 | 252,358 | 326,585 | 337,242 | 313,155 | 329,485 | 477,572 |

Figure 8.1: Illustration of ODPP Caseload over a decade



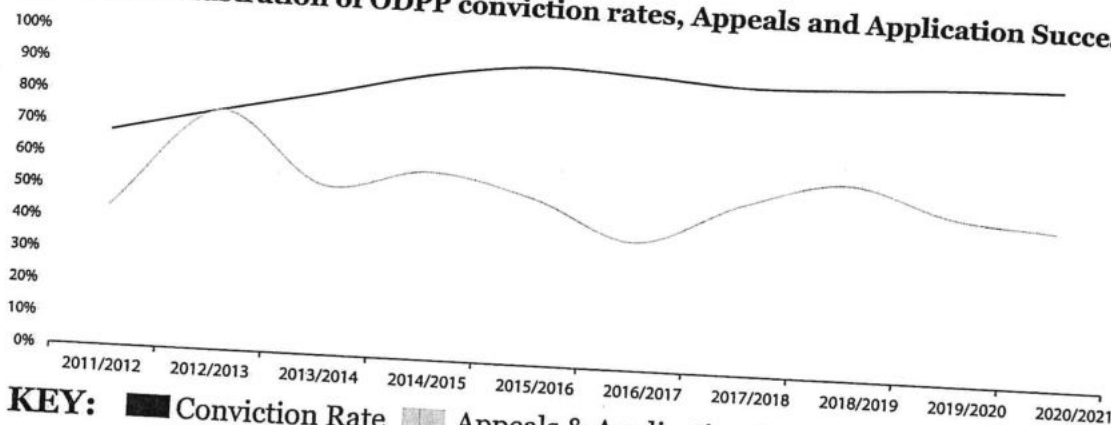
**OVERALL
CASELOAD**
2011/2012
17,000*
2020/2021
477,572

8.3 Conviction Rates, Appeals & Application Success Rate

Table 8.2 Conviction Rates, Appeals & Application Success Rate

| Description | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|------------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Conviction Rate | 67.53% | 75% | 82% | 89.40% | 93.50% | 92.34% | 90.20% | 91.03% | 92.58% | 93.31% |
| Appeals & Application Success Rate | 43.74% | 74.91% | 53.15% | 58.80% | 52.30% | 40.13% | 53.20% | 61.10% | 52.14% | 49.14% |

Figure 8.2: Illustration of ODPP conviction rates, Appeals and Application Success Rate



**CONVICTION
RATE**
2011/2012
67.53%
2020/2021
93.31%

KEY: ■ Conviction Rate ■ Appeals & Application Success Rate

- There is a steady increase in conviction rates that may be attributed to professionalisation of the Prosecution Services, enhancement in human resource capacity, enhanced coordination and collaboration and capacity building.

**2011
Common
Offences
Handled:**

- Common assault
- Murder
- Serial related offences
- Robbery
- Stealing
- Piracy offences

Enhanced Access To Justice

- Touting decriminalized
- Diversion of cases that criminal justice system (romeo and Julie cases)
- Plea bargaining mechanism to reduce time needed for processing of cases in court

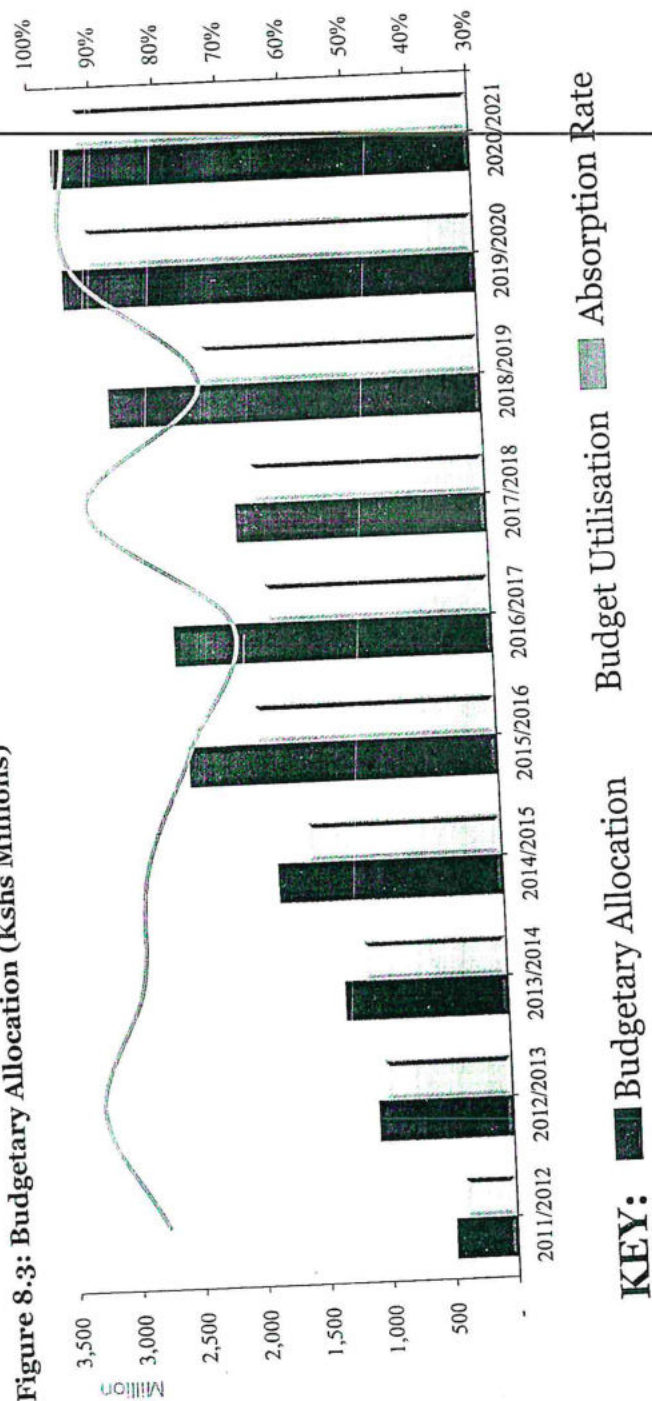
**2021
Complex
Offences:**

- Cybercrime Offences
- Counter Terrorism Offences
- Bribery and corruption related offences
- Human trafficking offences

Budgetary Allocation (Ksh Millions)
Table 8.3 Budgetary Allocation (Ksh Millions)

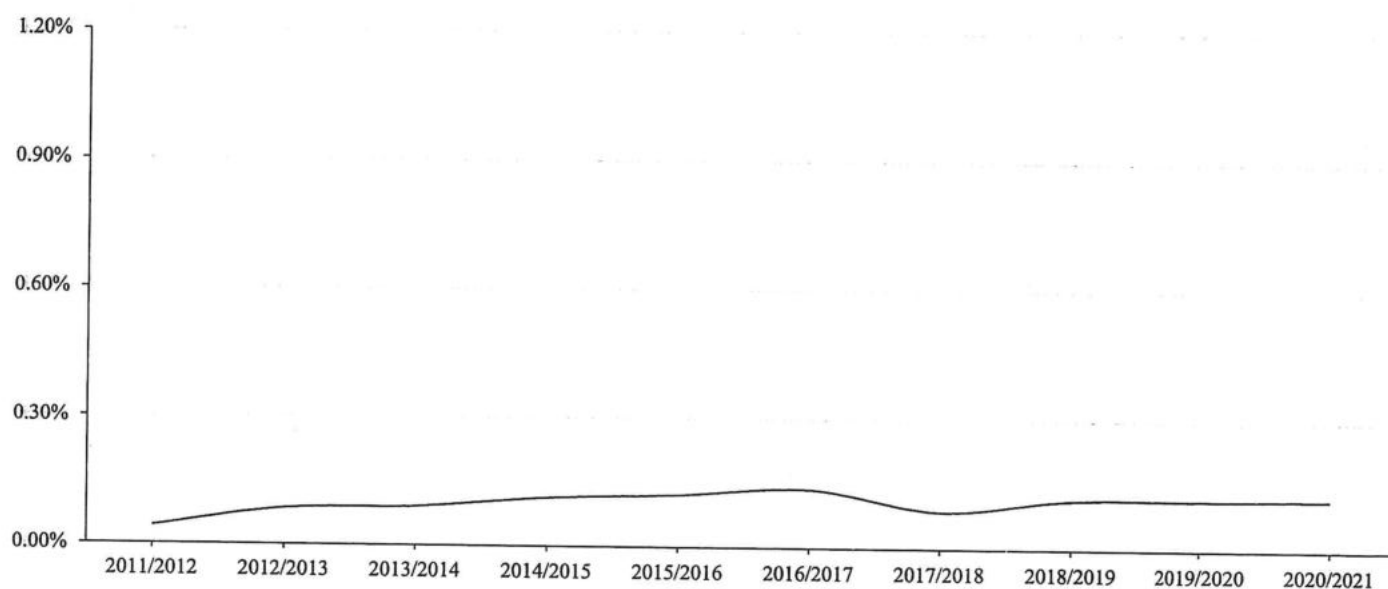
| | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|-----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Capital Pr. | 0 | 61.4 | 87 | 67 | 73 | 221 | 7 | 25 | 17.5 | 49 |
| Recurrent | 490.85 | 1,010 | 1,214 | 1,727 | 2,384 | 2,312 | 1994 | 2966 | 3267 | 3281 |
| Total | 490.85 | 1,071 | 1,301 | 1,794 | 2,457 | 2,533 | 2,001 | 2,991 | 3,284.5 | 3330 |
| Capital Pr. | | 59 | 80 | 66 | 23 | | 7 | | 11.78 | 18.9 |
| Recurrent | 418.5 | 959 | 1,109 | 1,485 | 1,906 | 1,805 | 1868 | 2220 | 3094 | 3147 |
| Total | 418.5 | 1018 | 1,189 | 1,551 | 1,929 | 1,805 | 1,875 | 2,220 | 3,106 | 3166 |
| Absorption Rate | 85.26% | 95% | 91.4% | 86.45% | 78.51% | 71.26% | 93.70% | 74.2% | 94.58% | 95.1% |

Figure 8.3: Budgetary Allocation (Kshs Millions)



8.4 Proportion of ODPP Budget to National Budget

Figure 8.4 Proportion of ODPP Budget to the National Budget

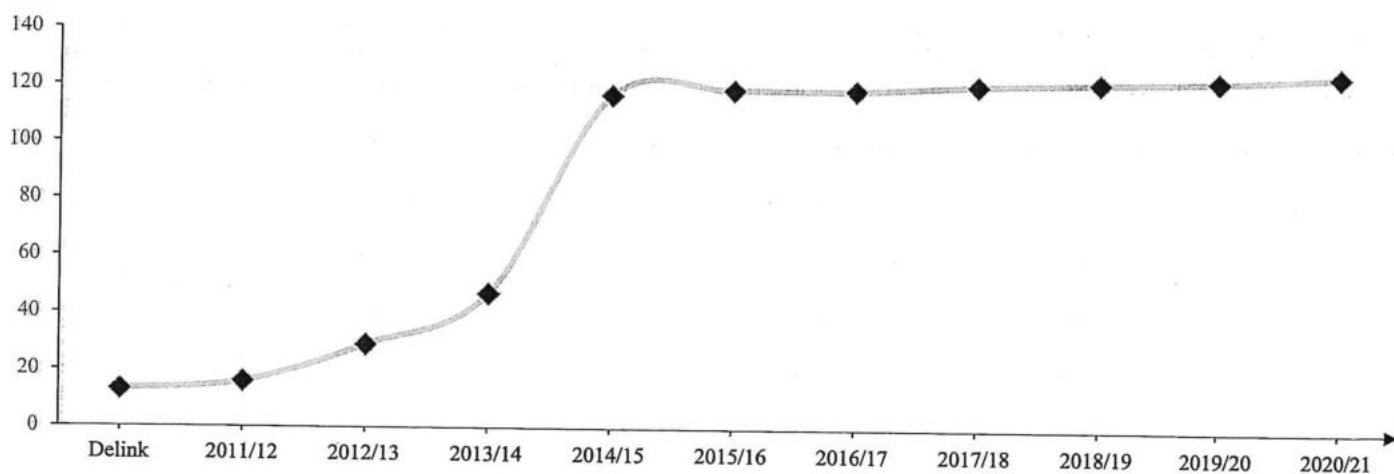


KEY: ■ Proportion of ODPP Budget to National Budget

Table 8.4 ODPP Stations established over the decade

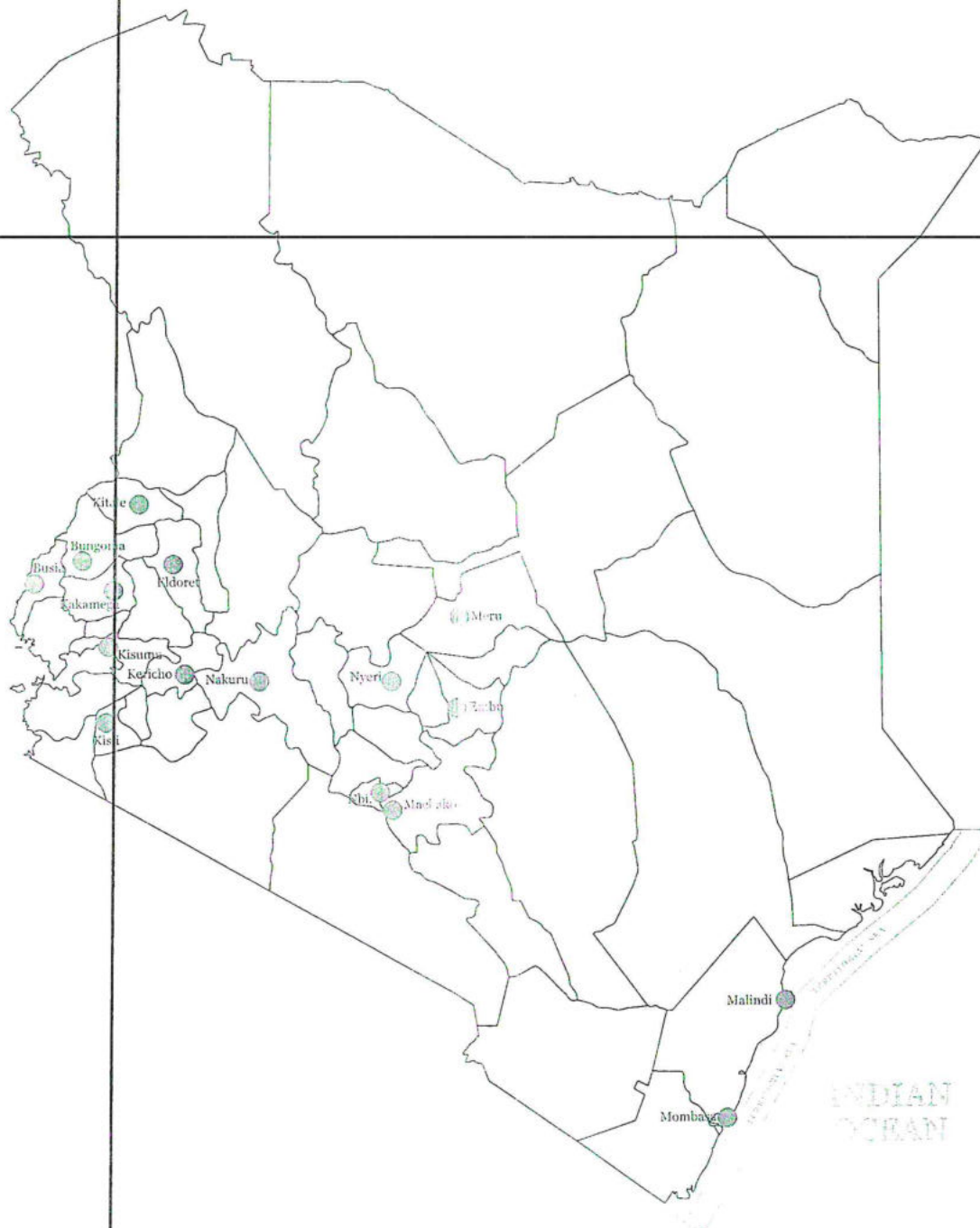
| Year | Delinking | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|----------|-----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Stations | 13 | 16 | 29 | 47 | 117 | 119 | 119 | 121 | 122 | 123 | 125 |

Figure 8.5: ODPP Stations established over the decade

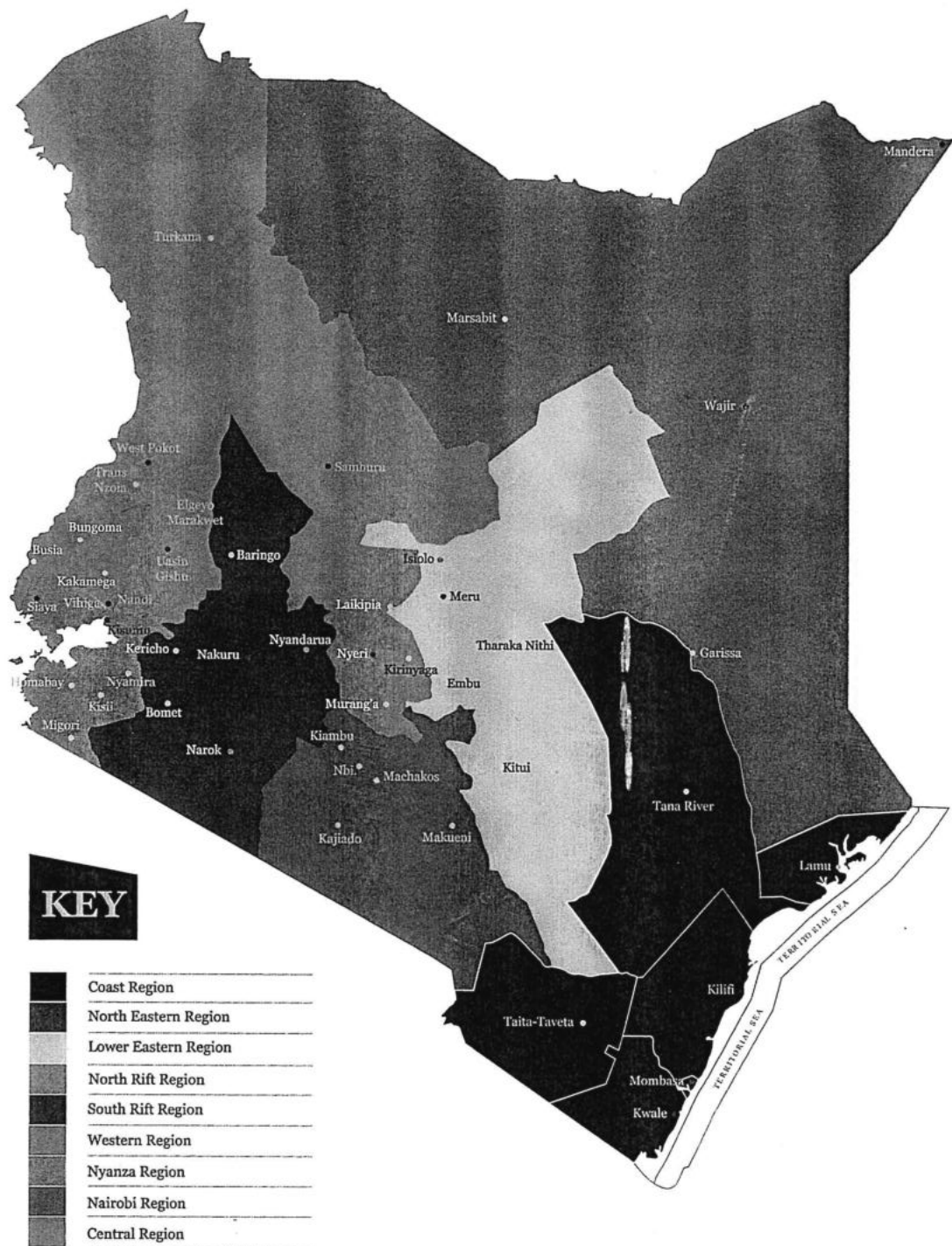


- Increased presence of ODPP stations from 13 counties in 2011, to 47 counties in 2021
- 16 field stations in 2011, to 125 field stations in 2021

ODPP OFFICES IN 2011



ODPP REGIONAL OFFICES IN 2021



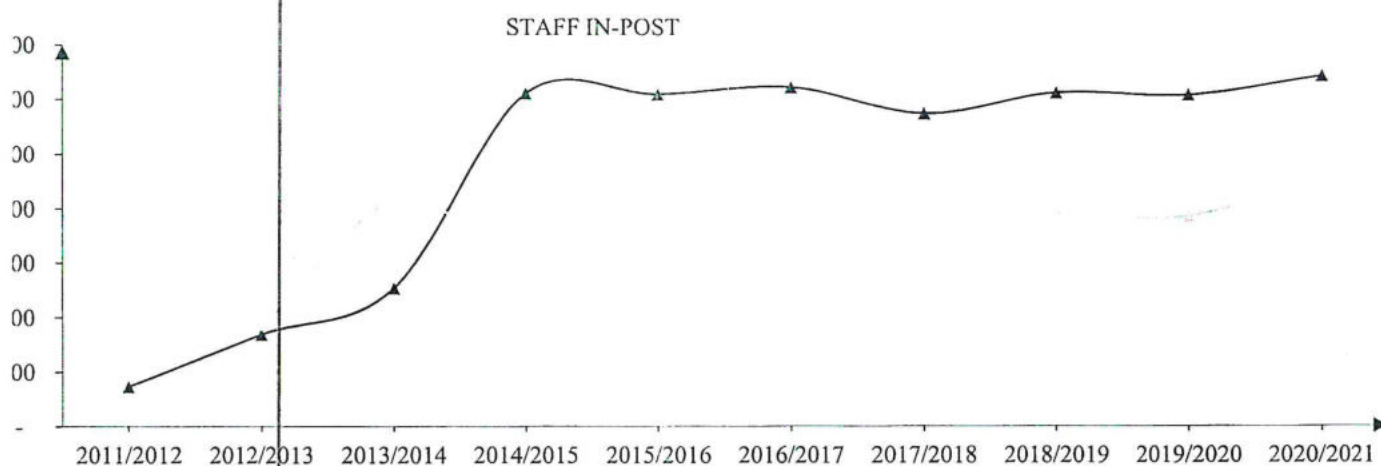
5 Staff Complement and in Post

Table 8.5 Staff Complement and Post over the decade

| | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|----------------------------|------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PC In-Post | 73 | 169 | 254 | 612 | 610 | 623 | 575 | 613 | 609 | 644 |
| PC Establishment | 132 | 927 | 927 | 927 | 927 | 927 | 1,340 | 1,340 | 1,340 | 1,370 |
| CS In-Post | 112 | 188 | 417 | 321 | 403 | 403 | 393 | 391 | 387 | 461 |
| CS Establishment | 321 | 370 | 370 | 370 | 370 | 370 | 816 | 816 | 816 | 906 |
| Total In-Post | 185 | 357 | 671 | 933 | 1,013 | 1,026 | 968 | 1,004 | 996 | 1,105 |
| Total Establishment | 453 | 1,297 | 1,297 | 1,297 | 1,297 | 1,297 | 2,156 | 2,156 | 2,156 | 2,276 |

6 Decentralisation of ODPP Service

Figure 8.7: Staff Complement and Post over the decade



KEY: ■ Prosecution Counsel ■ Corporate Staff

Staff establishment in 2011/2012 was 453 (132 prosecution counsel and 321 corporate staff). However, staff in post was 185 in 2011 while in 2021 it was 1,105.

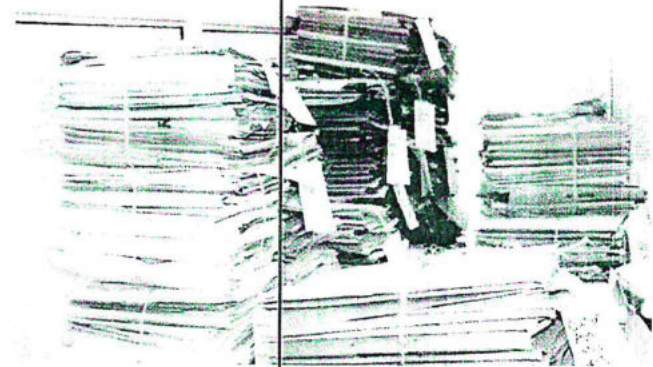
Staff establishment in 2020/2021 was capped at 2,276 (1,370 prosecution counsel and 906 corporate staff).

At the point of delinking in July 2011, prosecution in the lower courts was majorly conducted by police prosecutors.

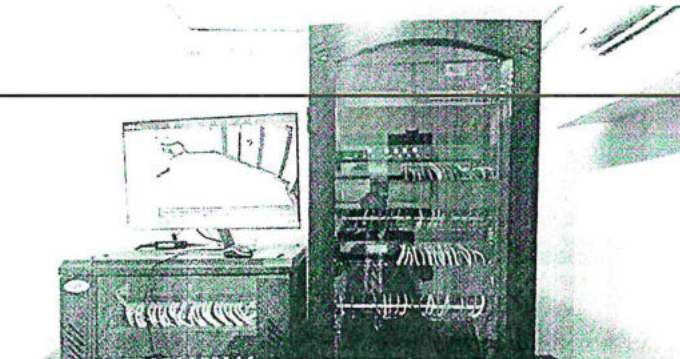
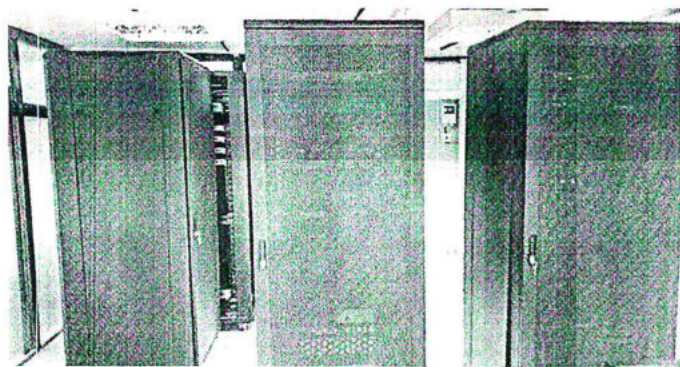
By 2012/2013, the ODPP had taken over prosecution in all courts but retained 305 police prosecutors to mitigate the acute staff shortage.

Comparison of staff complement and in post
between FY 2011/12 and 2020/21

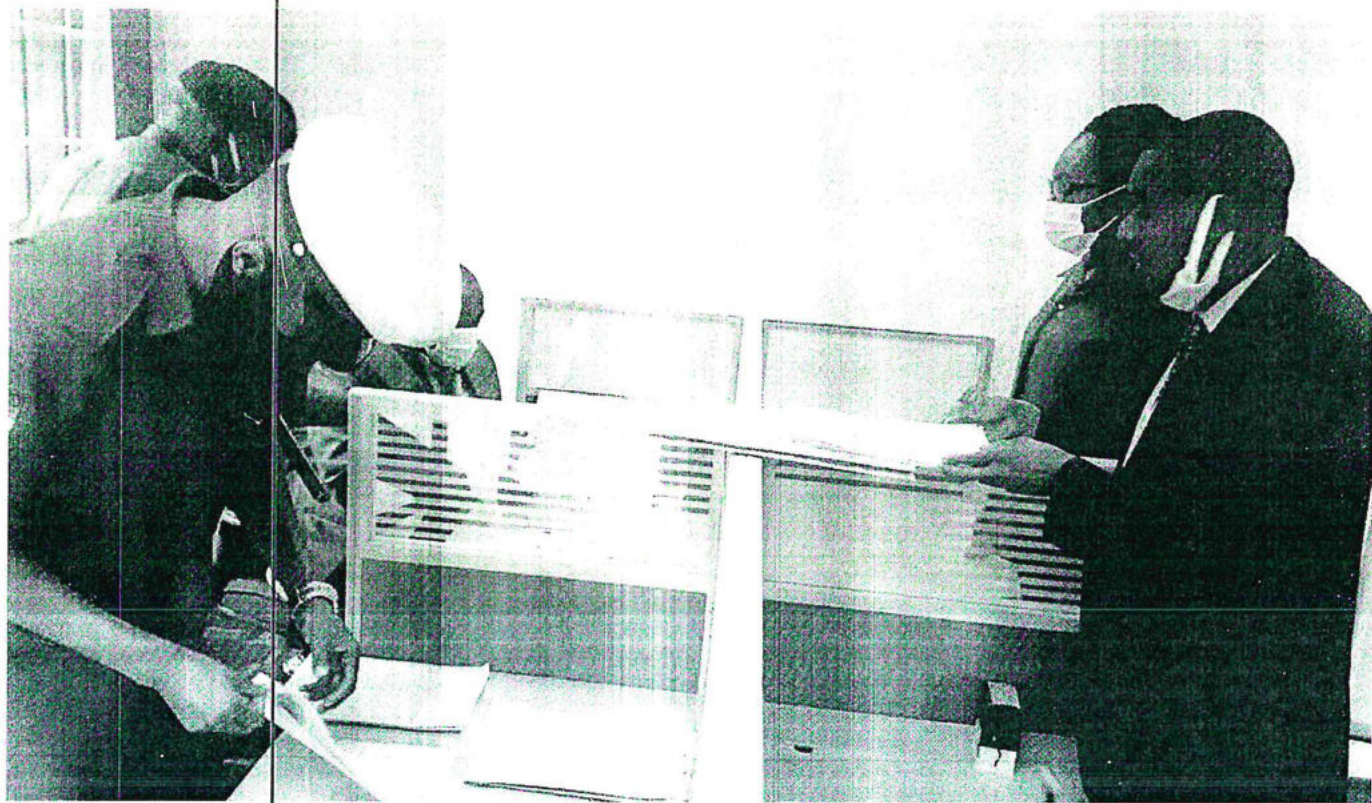




Registry and Library in 2011/2012



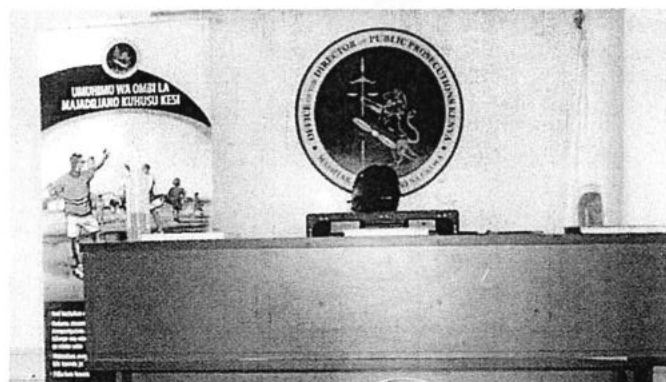
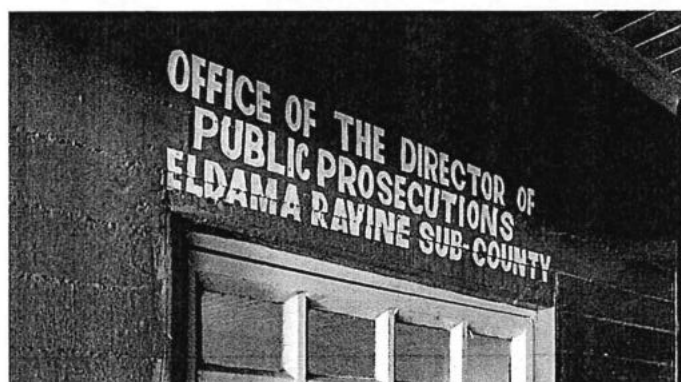
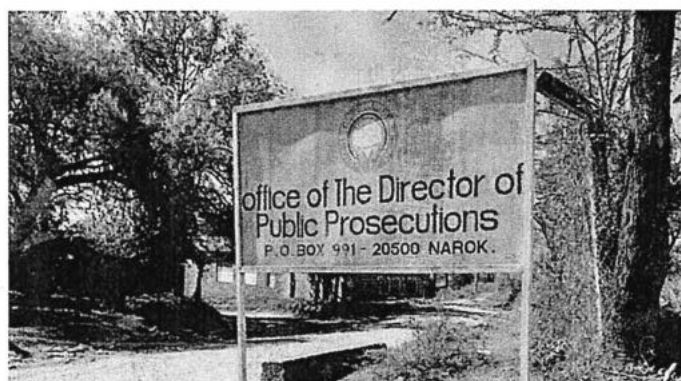
Server & CCTV rooms in 2020/2021



DPP Case intake in Nairobi, 2021

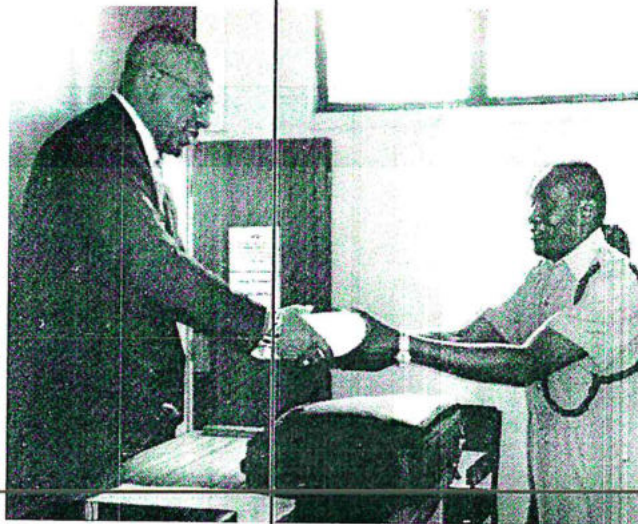


ODPP team led by Ag. DDPP Victor Mule receiving equipment



ODPP offices in Narok & Eldama Ravine before the rebranding

The ODPP Mombasa Model Office



Former DPP, Hon. Keriako Tobiko presents an award to a Police Prosecutor. Police Prosecutors acted on delegated authority in the AG before the 2010 Constitution.



CS Interior, Hon. Fred Matiang'i in the company of DPP Noordin Haji hands over a certificate to an officer for successfully completing the induction training at the PTI, Loresho Campus

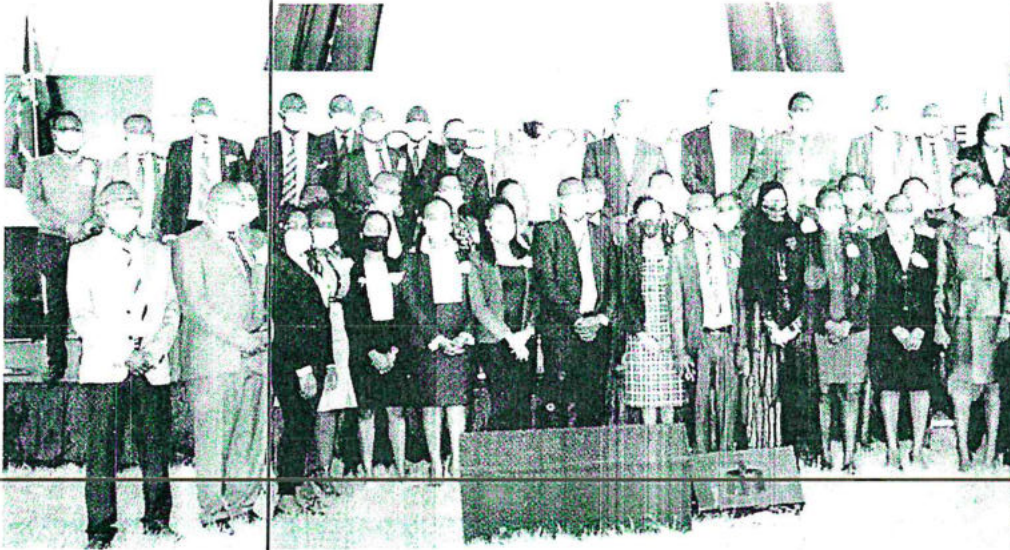


A collection exercise in our Mombasa office to review ODPP Communication and Media Strategy.



PP sensitization on Plea Bargaining and Diversion Policies in Nyanza Region.

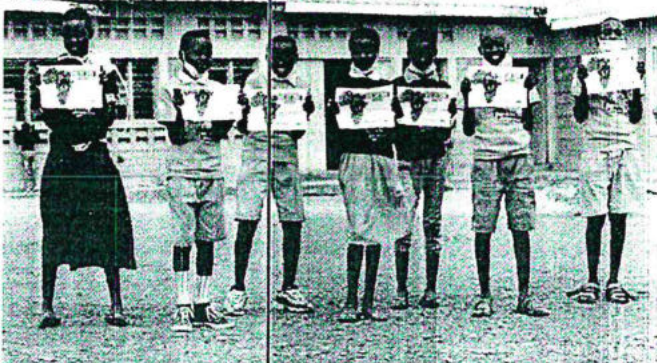
ODPP ACTIVITIES 2020/2021 IN PICTURES



Newly inducted staff in 2020/2021



DPP Staff engage with children on the celebration of the Day of the African Child, 2021 in Turkana County



Children from Kakuma during the International Day of the African Child, 2021 celebrations.



ODPP's visit to Kakuma Police Station during the International Day of the African Child, 2021



The DPP Noordin Haji joins members of the Civil Society in a workshop to discuss issues on Commercial Sexual Exploitation of Children organised by International Justice Mission (IJM) Kenya.



The Decision to Charge Experiential Training, Coast Region held between 4th and 5th June, 2021 at PrideInn Mombasa

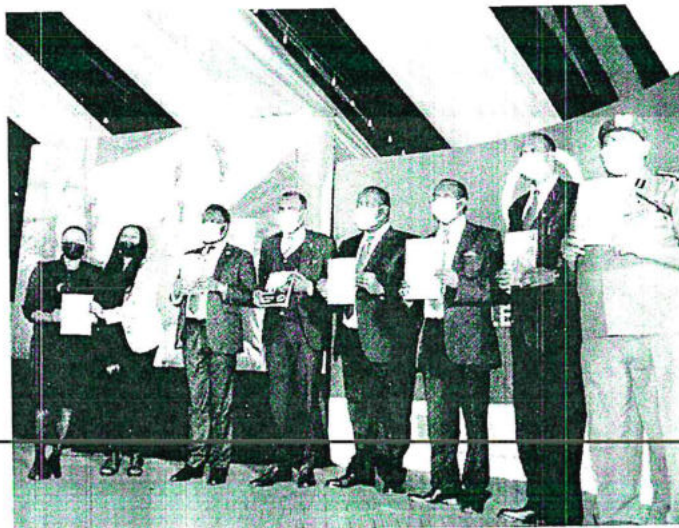
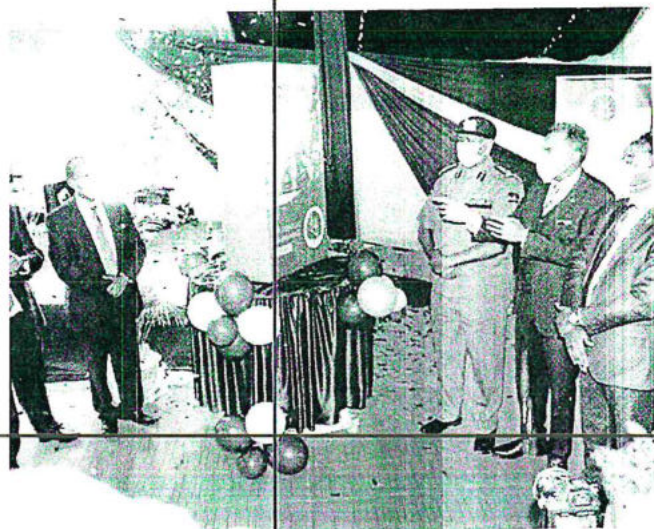


Sensitization on Plea Bargaining and Diversion Policies at the Kisumu Women's Prison.

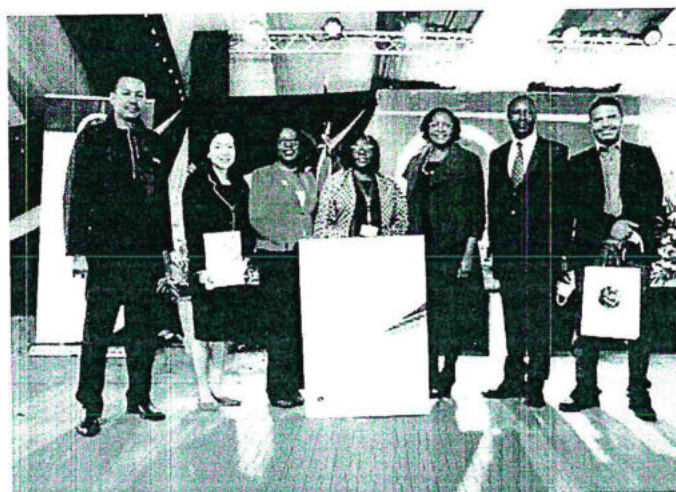


During a collaborative engagement with Kenya Prisons Service under the Department of Correctional services

LAUNCH OF THE EXCELLENCE CHARTER



DPP Noordin Haji hosting the CS Interior Hon Fred Matiang'i and other leaders during the launch of the Excellence Charter at the PTI Loresho Campus Nairobi. **Below:** Delegates following proceedings during the same event





The ODPP Cafe in a past session. The program is aired live on Facebook and YouTube every Friday starting at 8am.



ODPP Staff members take part in a team building activity held at Diani, Kwale County.



Prosecution Counsel consult before the start of a hearing at Milimani Law Courts, Nairobi



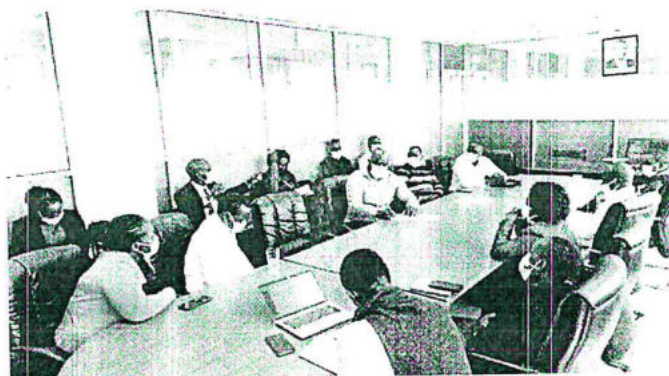
ODPP Counsel from the Supreme Court Division pose for a photo at the Supreme Court grounds in Nairobi



The Chief Justice, Hon. Martha Koome poses with ODPP Senior Management Team led by DPP Noordin Haji during a courtesy call at the Supreme Court in Nairobi



ODPP Officers during a training session on the Central Case Intake



ODPP Nyanza Region staff during an internal meeting at the Kisumu Office



ODPP Officers undergo a training session on the Uadili Case Management System

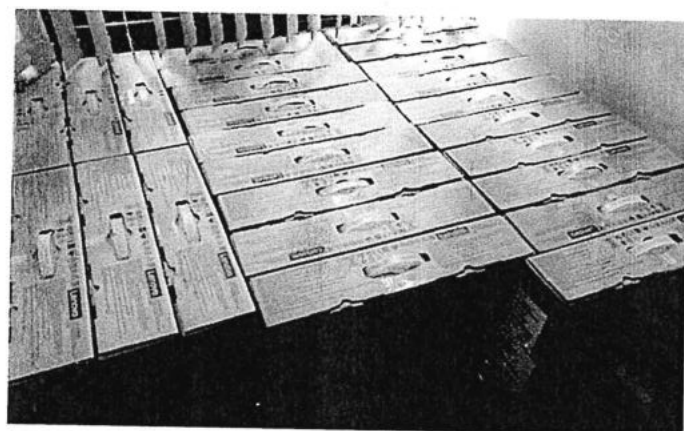
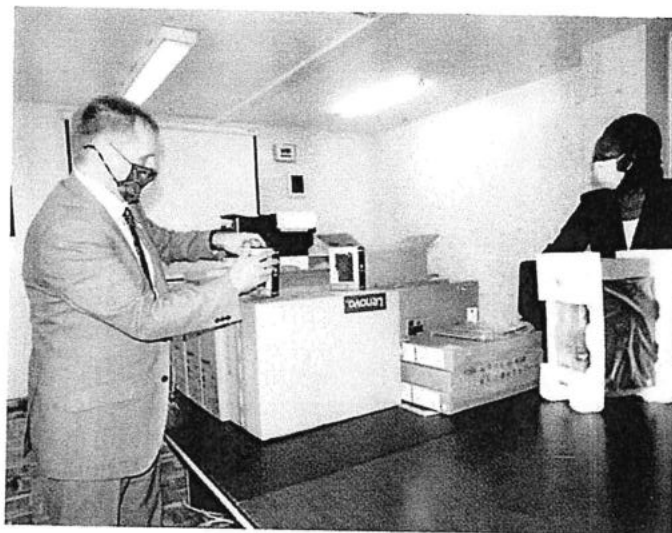


ODPP staff in Garissa during the nationwide sensitization on Plea Bargaining & Diversion policies in collaboration with UNODC and USDOJ.

RECEIVING OF EQUIPMENT FROM DEVELOPMENT PARTNERS

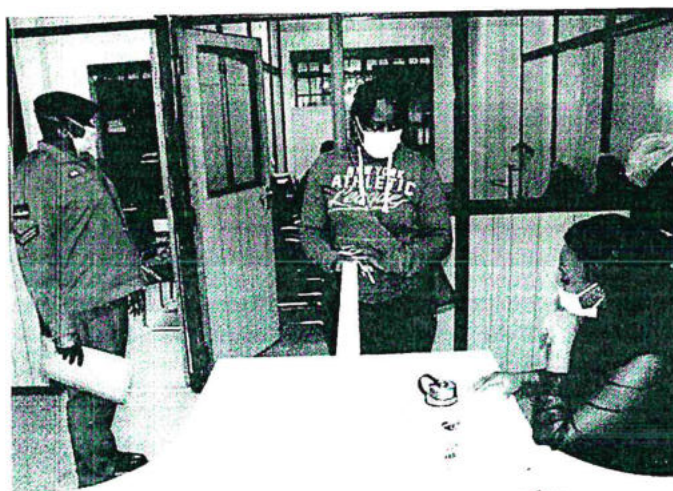
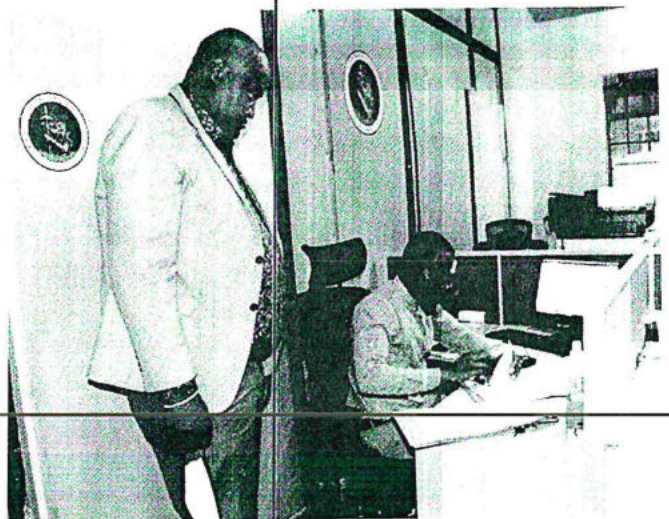


ODPP Management receiving equipment



DPP Noordin Haji receives equipment from the US Department of Justice through the INL including computers, printers, projectors and scanners

BASE CENTRAL INTAKE AT THE MAKADARA OFFICES



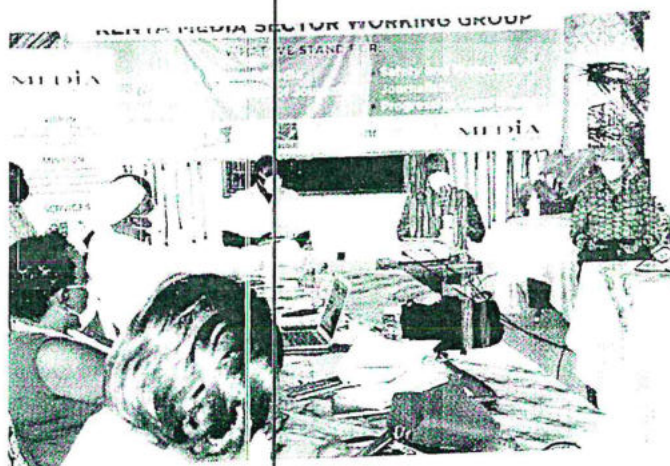
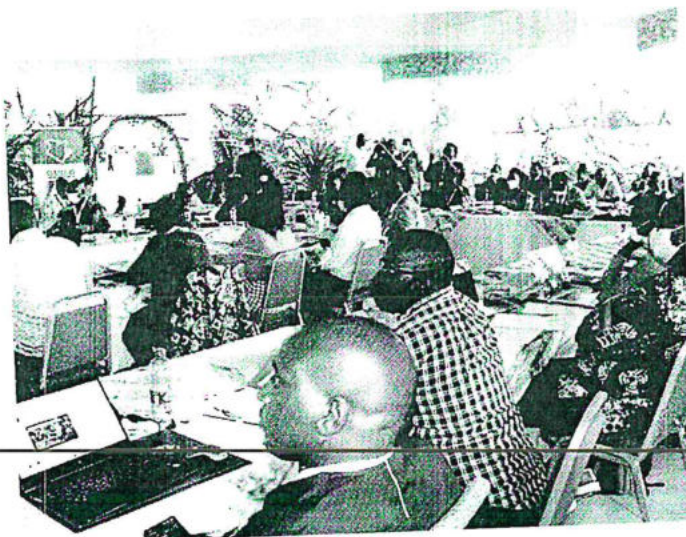
INSPECTION OF THE PTI CONSTRUCTION PROGRESS BY THE DPP



ODPP WORKPLAN CONSULTATIVE MEETING



MEDIA CENTRE WORKING GROUP WORKSHOP



ODPP JKIA staff members



Contact us:

Office of the Director of Public Prosecutions
ODPP House, Ragati Road, Upper Hill, Nairobi
P.O Box 30701- 00100

Tel: 020 273 2090/020 273 2240/020 271 5833 | **Mobile:** 0787880580
Fax: +254 2 2243524/2251808 | **Email:** info@odpp.go.ke

■ LIKE

■ FOLLOW

■ SUBSCRIBE



facebook.com/ODPPKE



ODPP_KE



Office of the Director of Public Prosecutions Kenya

www.odpp.go.ke