THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

Management of Records in Support of Prosecution of Cases at the Office of the Director of Public Prosecutions Headquarters in Nairobi, Kenya

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Abstract:
Records constitute a critical aspect of the prosecution process and must, therefore, be well organized and cared for to support the successful prosecution of cases. However, the Office of the Director of Public Prosecutions has continuously encountered a loss of cases in the judicial system due to poor records management, which has negatively impacted the prosecution process. The aim of the study is to investigate the management of records in support of the prosecution of cases at the Office of the Director of Public Prosecutions headquarters in Nairobi, Kenya, with a view to enhancing the management of records for successful prosecution. The objectives of the study were:

- *To examine how records are created, captured, organized and pluralized;*
- *To analyze factors that influence the management of records;*
- *To establish how records are utilized in the prosecution of cases and assess the risks associated with the management of records and strategies that can be adopted to enhance the management of records.*

The study was informed by the Records Continuum Model and the Intelligence-Driven Prosecution Model. The study adopted a qualitative research approach, and it employed the exploratory case study design. The study targeted a population of 75 staff, out of which a sample size of 63 respondents was drawn through the use of a purposive sampling technique. The sample size of selected respondents comprised prosecution counsels, records management officers, registry clerical officers, prosecution clerks and administrative assistants based at ODPP headquarters in Nairobi. Data was collected through the use of interview schedules, observation methods and document analysis. The qualitative data was analyzed thematically and presented in a narrative description. The findings established that the procedures for creating, capturing, organizing and pluralizing records are inadequately documented, with outdated policies governing every stage of the lifecycle. More so, there was the absence of comprehensive records management policies and procedures that govern the management of records. In addition, most records generated and received were predominantly manual, which resulted in loss and misplacement of records. Further, there was a scarcity of adequate knowledge and skills among the staff in the management of records. In sum, the findings established numerous challenges that affected the management of records, which hampered efficient service delivery in the judicial system. The study concluded that records management practices at ODPP are not well-documented and executed, undermining the prosecution of cases in the judicial system. The study recommends that the ODPP document the activities and policies that govern every stage of the lifecycle; develop and implement records management policies and guidelines; conduct training and capacity building for records management staff; avail adequate resources; and integrate ICT in the management of records.

Keywords: Records, management of records, prosecution records, prosecution, prosecution process, office of the director of public prosecutions

1. Introduction and Background

Fair and effective prosecution is vital for a functioning criminal justice system and the promotion of law and order. Prosecutors must act as ministers of justice when addressing criminal violations, promoting public safety, and considering the interests of victims, accused individuals, and society. They wield significant influence from initial charging to sentencing decisions, including plea bargains and jail terms. The effectiveness of prosecutors in their role to dispense

justice is heavily reliant upon records and records management. A record is recorded evidence of an activity that is an action undertaken by an individual or group in the course of their business (Shepherd, 2006). Records management is necessary for effective prosecution since it provides evidence and determines the strength of cases and whether a case should proceed to trial or not. Notably, lack of evidence can lead to judicial system failures and loss of public faith (Thurston, 2005).

Effective records management ensures unbiased court decisions, reduces corruption risks, and upholds the judiciary's image (IRMT 2000:1). As organizational assets, records support business functions, organizational performance assessment, and effective governance (Mnjama, 2004; Usman & Udensi, 2013). They provide legal systems with evidence, thereby enhancing accountability and supporting dispute resolution (Motsaathebe & Mnjama, 2007; IRMT, 2009). They serve as evidence of actions, support accountability, relate to processes, and require preservation. Proper record management facilitates informed decision-making, supports organizational memory, and aids organizational management (Cox, 2001).

Records are thus, important in the administration of justice in Kenya. Notably, the Kenyan justice system involves various sub-systems which include the police, judiciary, prosecution, witness protection, and correctional services. Investigation officers liaise with the Director of Public Prosecution (DPP) to select an offence that accurately reflects the nature and extent of the criminal behavior under investigation and which is supported by the admissible evidence (Abioye, 2014). The judiciary, headed by the Chief Justice, acts as the final arbiter in legal disputes. The Kenyan court system comprises the Supreme Court, Court of Appeal, High Court, and Magistrate's Court. This study focused on records management and its relevance in the prosecution of cases at the ODPP.

1.1. The Office of the Director of Public Prosecutions (ODPPs)

This study focuses on ODPP, which is the National Prosecuting Authority in Kenya, which is mandated by the Constitution to prosecute all criminal cases in the country. In exercising prosecutorial authority, the DPP has due regard to the public interest, the interests of the administration of justice and the need to prevent and avoid abuse of the legal process. In doing so, the ODPP strives to provide quality, impartial and timely prosecutorial services in a manner that is professional, efficient and fair (ODPP, 2024; Vos, 2020).

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

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

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

2. Statement of the Problem

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

In 2019, about 330 Kenyans launched complaints about missing files, which hampered the progress of their cases, and this was considered an 81 percent increase in missing files compared to the previous year (Kinuthia, 2020). Missing court files translate into inordinate delay of cases and eventual acquittals. The aggrieved parties have to grapple with financial constraints associated with higher spending on legal costs (Kinuthia, 2020). Besides, since cases are decided based on the accounts of evidence and facts presented in court, the burden of proof is always pegged on the prosecution and therefore, missing files deny the prosecution the grounds to support their case (Kinyanjui, 2024; Kiplagat, 2024). Then, there is the need to have concrete records management processes and systems (draw a conclusion about that effect).

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

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

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

3. Objectives of the Study
The study was informed by the following objectives:
- To examine how prosecution records are created, captured, organized and pluralized
- To analyse factors that influence the management of prosecution records
- To establish how records are utilized in the prosecution of cases.
- To assess the risks associated with the management of prosecution records and strategies that can be adopted to enhance the management of prosecution records.

4. Empirical Review

4.1. Creation, Capture, Organization and Pluralization of Prosecution Records
The focus of the study is to assess the use of records and how they impact or support the prosecution process in the judicial system. The creation of prosecution records follows a lifecycle involving creation, utility, storage, retention, and disposal (Guto & Jumba, 2021). Proper organization and storage mediums like paper, magnetic media, and micrographics are essential for systematic storage and quick retrieval (Aramide et al., 2020; Gesmundo et al., 2022; Mosweu & Rakemane, 2020). Maintenance ensures prosecution records remain secure, accessible, and intact, emphasizing security measures against breaches, unauthorized access, and alterations (Wiggins, 2000; Parker, 1999; Shephered & Yeo, 2003).

The preservation and disposal of records are critical components of records management. Records should be stored securely, with sensitive records requiring high security (Gomathy et al., 2022; Aziz et al., 2019). Besides, disposal should adhere to legal requirements and retention periods, thereby ensuring confidentiality and security (Judicial Council of California, 2011). Proper record management and security correlate with improved organizational governance and performance (Guto & Jumba, 2021; Aramide et al., 2020).

4.2. Factors Influencing Management of Prosecution Records
Various factors affect the effective management of prosecution records. They include records of legislation, policy and procedures. Effective management of court records requires adherence to record-management standards (IRMT, 2009). These standards ensure systematic and planned record-keeping, which is necessary for enhancing record protection and authenticity. Gesmundo et al. (2022) found that records management legislation, policies and procedures govern the creation, retention, access and disposal of organizational records. Therefore, pre-established policies and procedures are crucial since they ensure the creation and management of reliable and usable records. Notably, corruption and lowered judiciary standards in the judiciary system are associated with ineffective record-keeping practices (Thurston, 2005). The lack of national policies, standards, and trained staff has exacerbated poor records management (Wamukoya, 2007). If anything, effective records management policies and procedures are demonstrated by compliance with regulatory obligations and increased organizational efficiency (Touray, 2021; Aziz et al., 2019).

The other factors affecting the effective management of prosecution records are knowledge, skill, and training in the management of prosecution records. Effective records management requires trained staff and consistent funding (IRMT, 2002). Training and development of records management professionals are essential considering the evolving work trends, with specific regard to electronic records management (Kaupa & Chi, 2020). Education and training enhance staff

skills and knowledge, which translates into improved service delivery and addressing challenges in record management (Mosweu & Rakemane, 2020; Adusei & Senyah, 2022). Such training is also necessary for facilitating the transition from traditional to technology-based record management processes (Aziz et al., 2019). Furthermore, continuous education and training expand the professional growth and competencies of records management staff, thereby ensuring effective work practices (Gesmundo et al., 2022).

Additionally, effective management of prosecution records is contingent upon the adoption of technology. The Information and Communication Technology (ICT) infrastructure is vital for efficient court record management. More specifically, automation and technology adoption increases the capacity for gathering, processing, and storage of vast amounts of data, and this, in turn, improves the decision-making processes (Mukred & Yusof, 2015). Besides, automation ensures easy accessibility, identification, and economical management of records (Olugu, 2016). Essentially, the digitalization of record management processes makes service delivery efficient by replacing time-consuming and error-prone manual systems (Nyawamu, 2018).

4.3. Utilization of Prosecution Records in Prosecuting Cases

Courts rely on efficient records management for accurate, timely, and reliable information, which is needed for the effective administration of justice. Records are essential for supporting legal rights, obligations, and accountability (IRMT, 2009). Various governmental records, including legislative, court, and police records, are necessary for upholding the rule of law and ensuring accountability (Piggot, 2002). Effective records management enhances efficiency, public service delivery, and governance (Kemoni, 2008; Motsaathebe & Mnjama, 2007). Therefore, inadequate records can compromise the effectiveness of development projects and perpetuate corruption and fraud (Piggot, 2002). Poor record management affects public agencies' service delivery and erodes public confidence (Musembi, 2004). It is also important to consider record management as a strategic resource that is vital for legal, financial, and regulatory compliance. Proper records management enhances the economic and operational efficiency of organizations and ensures compliance with legal and regulatory requirements (Touray, 2021; Agu et al., 2022; Gesmundo et al., 2022).

4.4. Risks Related to the Management of Prosecution Records

Effective management of prosecution records is influenced by the attendant risks emergent in the management process. These risks include:

- Absence of specific policies guiding records management staff (Agu et al., 2022; Gesmundo et al., 2022; Kaupa & Chi, 2020);
- Non-compliance with established management procedures (Aziz et al., 2019; Mosweu & Rakemane, 2020);
- Inadequate storage facilities for different record statuses and sensitivities (Agu et al., 2022; Akor & Udensi, 2014; Aziz et al., 2019).
  Other risks include:
- Filing inconsistencies and improper maintenance of records (Adusei & Senyah, 2022; Kaupa & Chi, 2020; Mosweu & Rakemane, 2020);
- Shortage of qualified records management personnel (Akor & Udensi, 2014; Aziz et al., 2019);
- Insufficient training (Gesmundo et al., 2022);
- Challenges in controlling and retrieving vital files (Agu et al., 2022; Aziz et al., 2019; Mosweu & Rakemane, 2020).
  The records managers at the ODPP grapple with numerous challenges, including:
- Managing large volumes of records, work pressures, and resource inadequacies (Roper & Milllar, 1999);
- Understaffing, which impacts the efficiency of the justice system and access to justice in Kenya (ODPP Report, 2011–2013);
- Storing case files in disorganized piles due to space shortages (IRMT, 2002).

4.5. Strategies for Enhancing Prosecution Records Management

Organizations grapple with challenges balancing operational record-keeping requirements, safeguarding private information, and respecting customer privacy preferences. Some of the key strategies to enhance prosecution records management are elevating the status of record-keeping, allocating adequate resources to record-keeping infrastructure, and establishing records management policies and standards, particularly for electronic records (IRMT, 2004). While computerized case management systems can enhance the cash-flow and information access, they should not be considered a holistic panacea for all management issues. Arguably, adopting electronic records management systems can boost efficiency, accuracy, and security; however, they require a thorough information strategy and business case aligned with stakeholder requirements.

Studies by Saman and Haider (2012) in Malaysian courts and Papagianneas (2021) in the Chinese judiciary highlight the benefits of electronic record management systems, such as improved efficiency, reduced case backlogs, and enhanced information security. However, these findings may not directly apply to Kenya's prosecutorial context. Other studies stress the importance of effective infrastructure, ongoing training for staff, and clear policy guidelines in records management (Issa & Wamukoya, 2018; Rotich et al., 2017).

5. Theoretical Review

This study reviewed a number of theories related to the management of records in support of the prosecution of cases at ODPP headquarters in Nairobi, Kenya. However, this study was primarily informed by two theories: the Records Continuum Theory and the Intelligence-Driven Prosecution Model.

5.1. The Record Continuum Model

The Record Continuum Model was developed by Frank Upward and his colleagues at Monash University, Australia. The model provides a holistic framework for understanding the relationship between record-keeping and accountability (Upward, 2005). Contrary to traditional views, the model considers records as continuously evolving entities across four dimensions: Create, Capture, Organize, and Pluralize (Upward, 2001). Therefore, in this model, records are always "becoming" and can be recalled for various contexts (McKemmish, 1997; Reed, 2005). This study used the Continuum Model due to its inclusivity of all record formats and dynamic nature that goes beyond time and space, making it suitable for managing court records.

According to McKemmish (1997), the model focuses on quality and quantity, thereby ensuring better management of large record volumes. The model promotes an integrated record-keeping framework that unites managers and archivists to ensure records' reliability and authenticity. Besides, the model provides a cohesive approach to record-keeping, connecting past, present, and future in relation to various legal, technological and social factors (McKemmish, 1998). Therefore, the model provides a comprehensive understanding of records, making it apt for this study to study the management of Office of the Director of Public Prosecutions (ODPP) records, both paper and electronic.

5.2. The Intelligence-Driven Prosecution Model

District Attorney's Office of New York County (DANY) established the Intelligence Driven Prosecution Model, along with the Crime Strategies Unit (CSU), in May 2010 (Taylor-Thompson & Thompson, 2022). The IDPM aimed to promote more informed decision-making throughout the District Attorney's Office by improving the collection and circulation of information on the persons, places, and problems driving crime within discrete neighborhoods (Taylor-Thompson & Thompson, 2022). The key features of the model include the collection, analysis and integration of data whereby records from various sources, such as criminal history records, intelligence reports, arrest records, social media activity, and surveillance footage, are integrated (Ferguson, 2019).

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

6. Methodology

This study used a qualitative research design and, more specifically, a single case study design, which focused on the ODPP. According to Gay & Airasian (2003), single case studies can be applied when the sample size is one or when a number of individuals are considered one group. The selection of the single case study method for this study was premised on the fact that it enables in-depth interaction with research participants and, in this case, the ODPP staff. Such interactions were considered imperative in understanding the ODPP activities related to court records and the prosecution process. The study adopted an exploratory case study design, which Yin (2014) considered relevant for exploring complex phenomena without pre-determined outcomes, addressing "how" and "what" questions.

The population of the study included the staff at the ODPP who are involved in the processing and management of prosecution records. Notably, the ODPP is made up of five departments:

- Department of Economic, Organized & International Crimes;
- Department of Conventional & Related Crimes;
- Department of County Affairs & Prosecution Services;
- Prosecution Training Institute and
- Department of Corporate Services

A sample of 20 participants was drawn from a population of 63 staff from the five departments. The sample was made up of 18 Prosecution Counsels (PCs), 17 Records Management Officers (RMOs), 13 Registry Clerical Officers (RCOs), 8 Prosecution Clerks (PCs), and 9 Administrative Assistants (AAs). The purposive sampling method was used, which is a non-probability technique in which the participants are selected based on the knowledge of the researcher about their capacity to provide the required information population (Bless & Higson-Smith, 2000; Babbie, 2008). The sample was also determined by theoretical saturation, which implied that the data was collected until no new insights emerged (Saunders et al., 2018; Glaser & Strauss, 1967).

Multiple data collection methods were used in the study, which included interviews, observation, and document review. This was considered necessary for acquiring a comprehensive investigation of the management of prosecution and court records. Both structured and unstructured interviews were used in which key informants such as PCs and RMOs were engaged. The study used observation to collect firsthand information about the physical environment of the prosecution registries at the ODPP and law courts. A systematic document review was also conducted through which various sources were examined, including strategic plans, reports, and newspaper articles. The validity and reliability of

the data collection tools were ascertained by conducting a pilot study at Milimani Law Courts. This pilot study focused on salient elements of the tools, including vocabulary, language level, and question clarity. The qualitative data that was collected was analyzed using the thematic method and based on the objectives and research questions. Besides, the study took into account various ethical concerns, which include ensuring confidentiality, anonymity, and voluntary participation of respondents.

7. Results and Discussions

The section discusses the findings according to the objectives that guided the study.

7.1. Prosecution Records Creation, Capture, Organization and Pluralization

The study examined how prosecution records are managed within the Office of the Director of Public Prosecutions (ODPP) based on the Record Continuum Model as a framework (McKemmish, 1997).

Records creation involves the intentional generation of new records in line with organizational policies (Guto & Jumba, 2021). The findings showed that the ODPP receives charge sheets from investigative agencies and assigns them reference numbers based on offence type. Interviewees claimed that records are developed from police files and scanned for prosecutorial purposes. RCO-4 said: "...*after the investigation has been carried out by investigative organs, the police file is forwarded to ODPP for perusal where a duplicate file is created and allocated a reference number then used in courts for prosecution*." These findings aligned with the Record Continuum Model, which views record creation as an ongoing, dynamic process influenced by organizational interactions (Upward, 2005). Record creation is necessary for maintaining record integrity (Guto & Jumba, 2021; Aramide et al., 2020; Aziz et al., 2019).

Record capture involves identifying and acquiring records for inclusion in the organization's system (Gomathy et al., 2022). The findings showed that at records from investigative agencies are captured at the Central Case Intake section at the ODPP. A central registry system consolidates these records, which ensures systematic control and integrity, which is vital for capturing accurate records (Upward, 2005; Aziz et al., 2019).

Organizing records ensures easy retrieval and access (Mosweu & Rakemane, 2020). The findings showed that the ODPP uses a records movement register and file movement registers to track and secure records. RMO-7 noted: "There are registers for signing whenever there is a movement on the file, files are scanned and stored in pdf soft copies when a file is not actioned on it is always kept under lock." Besides, RCO-4 claimed that "Each record is recorded both in card and soft sheets in order to maintain tracking and avoid loss of records." Notably, the systematic approach adopted in records organization facilitates efficient management and retrieval of records (Saman & Haider, 2012; Oyaro, 2013).

Record organization includes a records classification system and access, use, and maintenance of prosecution records. Records classification involves categorizing records for easy identification and retrieval (Akor & Udensi, 2014). The findings indicated that the ODPP employs alphanumeric and alphabetical filing systems, which, according to Reed (2005), Akor & Udensi (2014) and Aziz et al. (2019), facilitates organized storage and access. In the same regard, RCO-4 noted that "...each case is given a unique reference number for easy filing and retrieval).

Records access and use involve authorizing individuals to obtain and utilize records while ensuring confidentiality and compliance (Mosweu & Rakemane, 2020). According to RMO-11, the process "is timely since different records are stored in separate shelves and they are arranged in an essay retrievable manner, there are also systems which help in locating the records." The interviewees claimed that the ODPP has an effective retrieval process associated with its organized system, which, as noted by Reed (2005) and Adusei & Senyah (2022), results in effective record utility and also safety (Agu et al., 2022).

Records maintenance involves storage and security of records to minimize risks (Judicial Council of California, 2011). The findings indicated that the ODPP used safe locks, fireproof cabinets, automation, and disaster management plans to secure records. PC2 noted that they "record and scan the documents received and share online for authorized users to easily access." Besides, AA-5 stated that they "keep the files in locked cabinets and use movement registers where the users sign for the files whenever they receive them and upon returning them, the recording officer signs them back to the registry. The records are also computerized, which makes it easier to trace particular files whenever they are needed." However, challenges like insufficient space threaten the effective storage of records.

Records preservation is vital for protecting records from physical deterioration, technological obsolescence, and other risks to maintain their authenticity and usability (Gomathy et al., 2022). The findings of the study showed that there were some preservation measures in place, such as cleaning and periodic spraying against pests; however, the monitoring of environmental conditions was lacking. The interviewees noted that the archive section was disorganized, and there were challenges like space congestion, lack of humidity measurement tools, and absence of fire detectors. Besides, the participants also noted that the support from management for automation and operational processes was inadequate and that this was a key challenge.

Records disposal consists of the elimination of records that are no longer needed in a bid to ensure confidentiality, integrity, and compliance with legal requirements (Gomathy et al., 2022). There were inconsistencies among the participants regarding the existence of records retention and disposal schedules. For instance, RMO-1 claimed that "a records retention and disposal schedule for prosecution records was available," while RMO-4 said that "a schedule is non-existent though I am not sure about it." However, despite these differences, the participants agreed that records disposal was primarily guided by the Records Disposal Act (Cap 14) and the Public Archives and Documentation Service Act (CAP

19) of the Laws of Kenya. The findings align with the Records Continuum Model, which reiterates the importance of accessibility to meaningful records as long as they hold value (McKemmish, 2001; Nyawamu, 2018).

Records management practices include creating, organizing, maintaining, and disposing of records to support business operations, compliance, accountability, and information governance (Aziz et al., 2019; Adusei & Senyah, 2022). The findings revealed that the ODPP management supported records management by providing storage equipment, hiring qualified staff, and providing training and development opportunities. RMO-5 suggested: "Provision of facilities like storage equipment, employment of qualified staff, adequate file storage area." Besides, PC-5 also said that "hiring qualified records management staff and procuring the UADILIFU system" was required. Previous studies have highlighted the integral role that management plays to support in effective records management, which includes providing resources, establishing policies, and integrating records management practices into organizational goals (Saman & Haider, 2012; Akor & Udensi, 2014; Oyaro, 2013).

7.2. Factors Affecting Management of Prosecution Records

The findings indicated the presence of key legal policies guiding records management in Kenya, such as the Public Archives and Documentation Service Act CAP 19, Records Disposal Act Cap 14, and the Records Management Procedure Manual for the Public Service (2010). However, the interviewees noted that the existence and communication of these policies within ODPP were inconsistent among participants. Some Records and Case Officers (RCOs) acknowledged existing policies, including record retention and disposal schedules, while others claimed their absence. This inconsistency reflects a broader issue in government organizations, as highlighted by Wamukoya (2007), where policies often exist but are not effectively communicated to staff.

Effective records management requires personnel with specialized knowledge and skills (Kaupa & Chi, 2020). The study found that records management staff at the ODPP had received extensive training, including on-the-job, workshop, and institutional training, ranging from diplomas to master's degrees. Such training is essential for ensuring proper records management, compliance, and supporting organizational objectives (Adusei & Senyah, 2022). Ongoing training is also necessary for equipping records management staff with the necessary skills to adapt to technological advancements and changing practices (Aziz et al., 2019; Rotich et al., 2017).

The findings highlighted the adoption of the UADILIFU case management system at ODPP to enhance document and case tracking. However, the participants noted that there was a lack of awareness among some employees about the system's implementation, which reflected potential communication gaps by management. These findings supported the Records Management Continuum model, which emphasizes the role of technology in records management (McKemmish, 2001). In their studies, Nthomiwa (2007) and Nyawamu (2018) also underscored the importance of ICT infrastructure for efficient records management and service delivery.

7.3. Utilization of Prosecution Records in Prosecuting Cases

The study sought to understand the use of prosecution records in the Office of the Director of Public Prosecutions (ODPP) and their significance in the prosecution of cases.

The findings showed that there were various types of records managed by different records management professionals within the ODPP. The RMOs handled records such as evidence, forensic reports, and petitions; the RCOs managed police files, complaint letters, and witness statements; PCs oversaw traffic records, charge sheets, and legal diaries; and the AAs managed case files, court transcripts, and policy files. The diversity of these records aligns with the Intelligence-Driven Prosecution Model, which emphasizes addressing various types of crimes across broader areas (Issa & Wamukoya, 2018).

The findings of the study showed that prosecution records play a pivotal role in the legal process, serving as evidence and supporting various functions within the ODPP. For instance, the RMOs highlighted the administrative, legal, and evidential value of these records. The RCOs emphasized the importance of the records for decision-making, while PCs and AAs stressed their value in providing evidence for prosecution. AA-7 noted, "Records assist the office in permitting mandate, which is prosecution effectively since we are able to follow up on the status of cases." These findings were consistent with the Intelligence-Driven Prosecution Model, which aims to make informed decisions based on comprehensive data (Papagianneas, 2021).

The findings demonstrated that the prosecution records were used by various entities. These included government agencies like the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigation (DCI), and the judiciary. RMO-6 mentioned, "internal users include the officers who work on the various cases counsels, External stakeholders including law firms, courts and investigating agencies." This broad range of users underscores the importance of effective records management to ensure the accessibility, accuracy, and reliability of these records (Aziz et al., 2019; Mulauzi, 2019).

7.4. Risks Associated with Managing Prosecution Records and Proposed Mitigation Strategies

7.4.1. Risks Associated with Management of Records

The study examined the risks associated with managing prosecution records and proposed strategies to mitigate these risks and enhance record management practices within the ODPP.

The participants identified various risks associated with inadequate management of prosecution records, including misplacement, theft, incomplete files, and lack of security measures. These risks undermine the integrity and accessibility of records and can lead to inefficiencies in the prosecution process (Mulauzi, 2019). The findings aligned with previous studies, which highlighted similar risks faced by organizations in managing records (Akor & Udensi, 2014; Aziz et al., 2019).

The findings showed that a lack of resources was a significant challenge in managing prosecution records. Participants cited issues such as insufficient equipment, inadequate staff, and a lack of training in records management. These challenges hinder efficient record-keeping practices and jeopardize the integrity and accessibility of records (Arua et al., 2017). The participants emphasized the need for proper funding and investment in training and infrastructure to address these challenges.

The findings also showed that the absence of full automation in record management processes posed additional challenges. The participants noted difficulties accessing and digitizing records due to inadequate hardware and software infrastructure. This lack of digitization hindered the efficient utilization of prosecution records and impeded the adoption of modern record-keeping practices (Oyaro, 2013). The participants indicated a need for comprehensive digitization efforts and investment in IT infrastructure as crucial for overcoming these challenges.

7.4.2. Strategies to Enhance Records Management

The participants proposed various strategies to mitigate risks and enhance the management of prosecution records. These strategies included improving records security through automation, hiring qualified staff, and implementing proper filing systems. Additionally, participants emphasized the importance of providing adequate resources, such as equipment and training, to support effective record management practices. The need for comprehensive automation efforts, including the adoption of case management systems like UADILIFU, and as (Rotich et al., 2017) found such technology is required for streamlining record-keepingrecord-keeping processes and enhance accessibility.

The participants identified continuous training and capacity building for records management staff as essential for improving record-keeping practices. They stressed the importance of equipping staff with the necessary skills and knowledge to handle records effectively and efficiently (Issa & Wamukoya, 2018). Investment in staff training and professional development was recommended to address skill gaps and ensure compliance with best practices in records management.

The participants recommended the establishment of policies and procedures for records management to provide guidelines and standards for organizational practices. Rotich et al. (2017) concur that clear policies would outline organizational goals and objectives regarding record management and ensure consistency in record-keeping practices.

8. Conclusion

The management of prosecution records at the ODPP is in line with the Record Continuum Model, and this reiterates the importance of creation, capture, organization, and maintenance processes. The successful prosecution and effective delivery of justice are solely dependent on effective record management, which is characterized by record integrity, accessibility, and security. Therefore, it is necessary to address these challenges in storage and establish robust security measures to improve the record management system at the ODPP. Besides, the ODPP has put preservation measures and management support in place. However, there is a need to improve preservation practices and develop clearer guidelines for record disposal. It is also necessary for organizational support to be enhanced to make records management effective. These improvements are essential for maintaining the integrity, accessibility, and usability of prosecution records at the ODPP in the long run.

Effective management of prosecution records at ODPP is influenced by the availability and communication of legal policies, the knowledge and skills of the records management personnel, and ICT preparedness. Due to this, addressing these factors through clear policy communication, continuous training and development, and embracing technology can significantly enhance records management at the ODPP and ensure compliance, efficiency, and effective service delivery to the public.

There is a comprehensive range of prosecution records managed at the ODPP, which are essential for the effective functioning of the directorate and aid the realization of its core mandate. These records are generated and managed by various records management officers within the organization and serve as vital evidence in court cases, support decision-making processes, and facilitate collaboration among different stakeholders. Therefore, effective management of these records is essential to meet legal, business, and regulatory requirements, and it requires personnel with the appropriate skills and knowledge.

There are numerous risks associated with managing prosecution records, and strategies have been proposed to enhance record management practices within the ODPP. Addressing the challenges related to inadequate resources, lack of digitization, and training gaps requires a concerted effort to invest in infrastructure, staff training, and policy development. The implementation of these strategies can help the organization mitigate risks, improve record-keeping practices, and ensure the integrity and accessibility of prosecution records. This will go a long way to support efficient prosecution processes and promote accountability within the justice system.

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