

REPUBLIC OF KENYA

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By the leader of the
Majority Party, the
Hon. Aden Duale, MP
on Thursday 6/4/17

OFFICE OF THE AUDITOR-GENERAL



REPORT

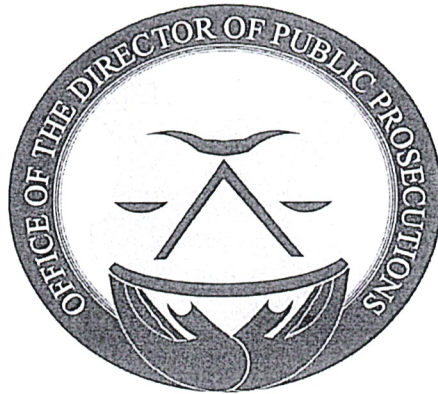
OF

THE AUDITOR-GENERAL

ON

**THE FINANCIAL STATEMENTS OF
OFFICE OF THE DIRECTOR OF PUBLIC
PROSECUTIONS**

**FOR THE YEAR ENDED
30 JUNE 2016**



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

REPORTS AND FINANCIAL STATEMENTS

FOR THE FINANCIAL YEAR ENDED
JUNE 30, 2016

Prepared in accordance with the Cash Basis of Accounting Method under the
International Public Sector Accounting Standards (IPSAS)

ODPP Reports and Financial Statements
For the year ended June 30, 2016 (Kshs')

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1. KEY OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTION INFORMATION AND MANAGEMENT

(a) Background information

The mandate of the ODPP is provided in Article 157 of the Constitution of Kenya 2010 and further stated in the Office of the Director of Public Prosecutions (ODPP) Act 2013. The mandate includes; exercising state powers of prosecution, directing investigations, offering criminal legal opinion to government ministries and departments, processing extradition and mutual legal requests from both within and outside Kenya and to facilitate witness protection and victims participation in criminal justice.

Specifically, the Office;

- Decides which cases referred by the various investigative agencies should be prosecuted,
- Determines the appropriate charges to be preferred in all cases,
- Directs and advises investigative agencies at various stages during investigations,
- Prepares and presents cases in court; and
- Provides information, assistance and support to victims and prosecution witnesses.

This role is informed by the National Prosecution Policy and the Code of Conduct and Ethics for Public Prosecutors which govern the exercise of prosecution and conduct.

(b) Key Management

The office of the director of Public Prosecution day-to-day management is under the following key departments:

- Department of Offences against the Person;
- Department of Economic, International & Emerging Crimes;
- Department of County Affairs & Regulatory Prosecutions; and
- Department of Central Facilitation Services

(c) Fiduciary Management

The key management personnel who held office during the financial year ended 30th June 2016 and who had direct fiduciary responsibility were:

No.	Designation	Name
1.	Accounting Officer	Keriako Tobiko CBS, SC
2.	Secretary Public Prosecutions	Elijah T. Nduati MBS
3.	Deputy Director of Public Prosecutions	Dorcas Odour OGW
4.	Deputy Director of Public Prosecutions	Nicholas Mutuku
5.	Deputy Director of Public Prosecutions	Jacob Ondari

(d) Fiduciary Oversight Arrangements

During the financial year 2015/16 the office constituted an audit committee as stipulated by the Public Financial Management Act. The committee met on quarterly basis where they discussed and made recommendations to the accounting officer on the following reports;

- Payroll audit
- Human Resource Audit
- Cash management
- Procurement
- Field station (county offices) reports
- Transport management
- Budgetary performance

To complement the functions of the audit committee a budget implementation committee was also constituted to oversee budget execution and implement the recommendation made by the audit committee.

(e) Office of the Director of Public Prosecution Headquarters

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(h) Independent Auditors

Auditor General
Kenya National Audit Office
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(i) Principal Legal Adviser

The Attorney General
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Nairobi, Kenya

2. FOREWORD BY THE DIRECTOR OF PUBLIC PROSECUTIONS

a) Budget performance

The ODPP's budgetary allocation rose over the medium term under review: 2013/14-2015/16 from Kshs 1.10 billion in 2013/14 to Kshs 1.43 billion in 2014/15 and 2.46 billion in 2015/16 representing an average increase of 124% over the period.

Utilization of the budgetary allocation was directed at deepening the ongoing transformation initiatives and decentralizing of prosecution services across the country.

The actual expenditure by the ODPP in FY 2015/16 was KES 2,000 billion comprising KES. 2,139 billion spent on recurrent activities, KES. 23.2 million on development activities. The overall absorption rate by the ODPP for both recurrent and development funds was 89%. The recurrent expenditure recorded an absorption rate of 90% while development expenditure registered an absorption rate of 27%.

Further, the expenditure by programme and economic classifications are detailed in the tables below;

		Approved budget 2015/16	Actual Expenditure 2015/16	Variance
061201	Prosecution of Criminal Offences	1,853,064,606.00	1,530,445,332.45	322,619,273.55
061202	Witness and Victims of Crime Services	27,100,601.00	6,221,835.95	20,878,765.05
061203	Penal and Criminal law Reform	17,543,474.00	13,916,873.75	3,626,600.25
061204	Inter-agency cooperation	13,531,086.00	6,165,165.95	7,365,920.05
061205	General Administration planning and support services	546,224,235.00	457,256,501.45	88,967,733.55
	TOTAL	2,457,464,002.00	2,014,005,709.55	443,458,292.45

		Actual Expenditure 2015/16	Actual Expenditure 2015/16	Variance
	Current Expenditure			
211	Wages and Salaries contribution	1,157,970,000.00	1,107,752,262.10	50,217,737.90

221	Goods and Services	1,007,155,319.00	777,905,651.70	229,249,667.30
222	Routine Maintenance	28,154,230.00	20,082,679.85	8,071,550.15
311	Acquisition of Fixed Capital Assets	264,184,453.00	108,265,115.90	155,919,337.10
	TOTAL	2,457,464,002.00	2,014,005,709.55	443,458,292.45

Program	Description	Approved Budget	Actual Payments	Variance
000200	Public Prosecutions-Field Services	899,701,878.00	863,275,267.70	36,426,610.30
000300	Offences Against the Persons Department	147,510,367.00	123,710,920.45	23,799,446.55
000400	Economic and Emerging crimes	94,382,941.00	83,090,998.30	11,291,942.70
000500	County Affairs and Regulatory Prosecutions Department	433,327,498.00	335,791,150.50	97,536,347.50
000600	Central Facilitation Services Department	476,541,318.00	399,228,572.70	77,253,065.30
000701	Multi agency	406,000,00.00	208,765,119.90	197,234,880.10
	TOTAL	2,457,464,002.00	2,014,005,709.55	443,458,292.45

During the FY 2015/16, budget implementation was faced with a number of challenges. These included;

- Limited training on the new e-procurement and linkage to IFMIS system
- Late disbursement of funds
- Revision of the budget estimates towards the end of the financial year.
- Inadequate budget for programmes

The ODPP recommends that where necessary, budget revisions should be approved in good time to allow for effective implementation of the budget and increased budgetary allocation in ODPP prioritized programmes.

b) Key achievements for the ODPP

Utilization of the budgetary allocation, during the Financial Year was directed at deepening the ongoing transformation initiatives and decentralizing prosecution services across the country. As a result, the ODPP was the recipient of the *2015 Best Public Service Award* given by Kenya's

Civil Society in recognition of ODPP's transformational journey towards provision of justice and good governance. In particular, the following major achievements were realized:

1. PROSECUTION PERFORMANCE

There was a remarkable **55%** increase in the total number of matters handled compared to the previous period, including a **66%** increase in new trials and a trial conclusion rate of **33%**; which is attributed to the decentralization of prosecution services to all **121** court stations in all the **47** Counties in the country and a **100%** taking over of the decision to charge by ODPP enabled by a **141%** increase in the number of Prosecution Counsel.

On average over the reporting period, the ODPP processed **173,161** matters with the **highest overall conviction rate ever attained in Kenya's legal history of 89.4% up from 82% in the previous period**. This is the **second highest conviction rate recorded during the same period by a National Prosecution Agency in Sub-Saharan Africa and the highest in the East African region**.

The ODPP registered **29.8%** increase in the number of appeals processed and recorded a success rate of **67.7%** up from **65.2%** in the previous year. In handling criminal revisions and various types of applications, ODPP attained a **65.12%** success rate. Criminal trials handled rose to **82.3%** from **80.1%** from the previous year, with the overall conviction rate on a steady rise up from **75%** to **89.4%** over the **last four years**, notably indicative of the impact of professionalization of prosecution services.

In major offences, ODPP recorded improving conviction rates in prosecution of **homicides (87.34%), SGBV (74.01%), terrorism (94.14%), wildlife crime (92%), cybercrime (98%), human trafficking (83.2%), hate speech and incitement (79%), traffic (95.31%) and narcotics (95.26%)** cases.

In prosecution of corruption and economic crimes, never before in the history of Kenya, has our justice system been brought to bear against so many people for corruption. ODPP has since 2011 registered **421** corruption and economic crime cases, involving over **1000** persons, including the highest number of high profile cases (**96**) ever prosecuted in Kenya's history. These high profile cases involve **456** high profile individuals. Through the establishment of a Specialized Anti-Corruption Division with **90** vetted prosecution counsel and use of the prosecution-guided investigation and 'follow-the-money' models; ODPP has unlocked old high profile corruption scandals such as Anglo-leasing and prosecuted recent high-profile corruption matters such as; NYS, Youth-Fund, the **176** "list of shame" cases, IEBC, Judiciary procurement, Imperial and Dubai banks, Triton and Tokyo embassy scandals. The conviction rate in corruption and economic crimes which has been down due to the slow pace of case conclusion continues to rise

from **14%** to **28%** from the previous reporting period and more is expected. Indeed, in the month of September, 2016 alone; **5** high ranking public officials have been convicted of corruption. The Office in 2015-2016 also co-hosted an international UNCAC implementation country review team and contributed to **281** prosecutors and investigators being training on anti-corruption prosecution and investigative skills.

The overall highlights of prosecution performance of the ODPP and statistical analysis of matters handled in 2015/16 Financial year.

MATTERS	Registered	Proportion
Appeals (Supreme Court, CoA & HC)	11,071	6.39%
Criminal Trial (HC & MC)	142,561	82.3%
Revisions	3,061	1.77%
Applications	8,035	4.64%
Extraditions & MLA Requests	55	0.03%
Advice Files	5,179	2.99%
Complaints	3,244	1.87%
Total	173,161	100%

2. ENHANCE ACCESS TO JUSTICE

(i) Decentralization of prosecution services

The Office continued to increase its presence in all the **47 Counties** of the Republic, as well as all the **121** stations where court stations exist, thus enhancing access to justice. This has enhanced provision of prosecution services across the country, as envisaged in **Article 6(3)** of the Constitution and **Section 14** of the ODPP Act.

(ii) Public complaints handling mechanism

A Complaints and Compliments Section which undertakes registration, follow-up and resolution of public complaints continued to receive and handle complaints from members of the public. This has promoted accountability and transparency in the discharge of the prosecution mandate, providing a platform for review of prosecutorial decisions which is a crucial component of access to justice.

The ODPP Complaints and Compliments Section have since inception in January 2012, been able to process **9943** public complaints with fast-growing social media platforms followed by over **30,000** active users.

(ii) Capacity development and professionalization of services

To respond to the increasing sophistication of crime, prosecutors continued to receive various specialized training in various thematic areas. The Office was able to reasonably equip its officers despite budgetary constraints experienced. In 2015-2016, **543** newly recruited prosecutors underwent trial advocacy training to equip them with basic prosecutorial skills, which is the single-largest training ever done targeting prosecutors in Kenya's legal history.

As regard to professionalization, the ODPP was able to fully take over prosecutions in all courts in the country and has also initiated the process of taking over the decision to charge which was largely exercised by the police.

The Office further concluded the process of review of the National Prosecution Policy and the Code of Conduct and Ethics for Public Prosecutors, which are critical policy documents that provide guidance on handling of the decision to charge and the professional conduct of Public Prosecutors. During the period also the Office developed the General Prosecution Guidelines, various Rapid Reference Guides and Standard Operating Procedures – all useful tools for prosecutors, to make reference to in the day to day execution of their mandate.

(iii) Infrastructural revamping of the ODPP

Decentralization efforts of the Office during the period were of priority. This saw acquisition of additional office space, refurbishing and equipping of the newly opened sub-county offices, including the construction of containerized offices in Makadara, Kibera and City Court.

Further, the ODPP Public Communications Division continued to receive the support required to keep the public informed of the activities of the Office. ODPP also participated in annual judicial service week and undertook prison visit with a view to informing decongestion strategies.

3. INSTITUTIONAL REFORMS AND RESTRUCTURING

i) Specialized divisions, sections and units:

The Office enhanced the role of specialization of prosecution by expanding existing divisions, sections and units and establishing new ones, such as: Anti-Money Laundering Division, Land, Environment and Related Crimes Division and Crime Data Collection and Analysis Unit.

ii) Human resource management and staff

The ODPP aspires to attract and retain staff with key competencies in the job market. In the period, ODPP recruited additional **65** new staff. Another key highlight in the review period is the increase of the ODPP staff complement from **671** to **933**. Staff have been deployed to all County levels where they execute and support the prosecution mandate.

iii) Professional skills development

ODPP is committed to improving professional skills of its officers through tailored training, coaching and mentorship. During the review period, trainings and professional development opportunities were offered on a wide range of topics. Trainings were delivered by internal and external facilitators and benefited officers from partner agencies, including the National Police Service, Kenya Wildlife Service, Kenya Revenue Authority, Kenya Airports Authority, NEMA, and Judiciary, amongst others.

The trainings are as illustrated;

TRAININGS PROGRAMME	NO OF OFFICERS	SPONSOR
Induction Seminar	61	ODPP
Induction & Trial Advocacy Program	543	ODPP/GIZ/IJM
Complex Crime Transactions Involving Laundering Of Criminal Proceeds	11	DOJ
Wildlife	58	ODPP/UNODC/BHC/ANAW
Cyber Crime	27	ODPP/UNODC
Terrorism	28	ODPP/DOJ/IGAD
Sexual Gender Based Violence/Trafficking In Persons	49	ODPP

Summary of activities under the multi agency initiative are captured in the table below:

ACTIVITY/PROGRAMME	TRAINING PROVIDER/ INSTITUTION	STATUS/REMARKS
Individual Training Programmes: Specialized External Training Programmes		
Investigating and Prosecuting Official Corruption	CEELI Institute - Prague	Three (3) Prosecution counsel were trained in April, 2016
Effective Prosecution of Financial Crimes, Human Trafficking and Cybercrime	International Law Institute (USA)	Six (6) Prosecution Counsel were trained in June, 2016
IACA Summer Academy	International Anti Corruption Academy- Austria	Three (3) Prosecution Counsel trained in July, 2016
Anti Corruption, Bribery and Fraud Prevention	African Training Institute- South Africa	One (1) Procurement Officer was trained in June, 2016
Anti Corruption and Integrity	Transparency International School on Integrity, Lithuania	One (1) Prosecution counsel trained in July 2016
Anti Corruption, Bribery and Fraud Prevention	African Training Institute- South Africa	One (1) Prosecution counsel will attend end of July-August 2016
Professional Attachments	Office of the Director of Public Prosecutions, Hong Kong	Two(2) Prosecution Counsel attached for two weeks from 1 st to 12 th August 2016
Group Training Programmes		

ACTIVITY/PROGRAMME	TRAINING PROVIDER/INSTITUTION	STATUS/REMARKS
Training on Public Procurement and Asset Disposal Act, 2015	Kenya School of Law, Nairobi	Seventy nine (79) officers both legal and non legal were trained in March and April 2016
Sensitization Programmes		
Regional sensitization on Corruption and Economic Crimes	Training held regionally in Kisumu, Mombasa, Nakuru, Embu and Machakos facilitated by officers from EACC, PPRA, ODPP, KRA, ARA	Four hundred and fifty six (456) prosecution counsel were sensitized in April and May, 2016
Regional Workshop on Anti Money Laundering and Assets forfeiture	Training held regionally in Kisumu, Machakos, Mombasa and Nakuru facilitated by officers from ODPP, DCI, EACC, ARA, FRC	Ninety eight (98) officers drawn from ODPP and DCI were sensitized in June, 2016
ODPP Media collaboration forum	Training held regionally in Kisumu, Mombasa, Nakuru, Embu and Machakos facilitated by officers from ODPP and KSL	Implemented: one hundred and ninety six (196) participants were sensitized in April and May, 2016
Trial Advocacy (Special Forum) on Anti Money Laundering and Assets Forfeiture	Training will be held in Mombasa and facilitators drawn from ODPP, UNODC, ARA, FRC, DCI, EACC	Not Implemented: One hundred (100) prosecution counsel were targeted for training

4. PROFESSIONALIZATION OF PROSECUTION SERVICES

The ODPP is committed to the highest ethical and professional standards in prosecution. To achieve this objective it developed general and thematic guidelines which are informed by its vision and core values. The guidelines are:

1. General Prosecution Guidelines
2. Corruption and Economic Crimes Prosecution Guidelines

The guidelines are aimed at assisting and providing direction for prosecutors in the conduct of prosecution.

i) Implementation of prosecution policy framework

During the reporting period the ODPP finalized the development and review of the key prosecutorial policy documents listed above. The Office is currently in the process of sensitization and dissemination of the said policy documents. In addition, to improve the quality, efficiency and effectiveness of prosecution, particularly in specialized areas, the Office has so far gazetted **254** prosecutors from **sixteen agencies** to exercise delegated prosecutorial powers.

ii) Quality-assurance mechanism of prosecutions

The decision whether or not to charge is the most important step in the prosecution process. A prosecutor must objectively assess the totality of the evidence and be satisfied that the evidence establishes a realistic prospect of conviction. Thereafter, the prosecutor must be satisfied that prosecution of the case will serve the public interest. There is also a continuing obligation on a prosecutor to assess the evidence as the matter proceeds. Towards strengthening the aspect, the Office developed case screening and review tools which were piloted in Meru, Nairobi and Voi stations.

iii) Taking over prosecution in the magistrates' courts

Following the recruitment drive undertaken during the year, the Office has taken over control of prosecutions from the police in all the **121** court stations in the country. Consequently, the overall conviction rate increased and currently stands at **89.4%** up from **82%** in the previous reporting period.

iv) Delegated prosecutions

The ODPP in a bid to enhance its supervisory role on the agencies that exercise delegated prosecution powers through setting up of a database on all agencies and individual prosecutors exercising delegated prosecutorial powers. The ODPP successfully held six workshops to sensitize prosecutors from National Environment Management Authority, Ministry of Health, Kenya Bureau of Standards, National Social Security Fund, Kenya Revenue Authority and Kenya Wildlife Service on the prosecution policy documents. Such trainings serve to promote inter-agency cooperation and collaboration.

v) Automated Case Management System

During the reporting period, *Phase II of the Case Management System Development Project* was completed. The new system design is aimed at optimizing ODPP's processes and procedures. In this regard, the following were formulated:-

- A Final Report of Phase II of the Case Management System Development Project,
- Detailed New Case-File/Mail Management System Manuals and Process Maps,
- A costed ODPP IT Roadmap towards Automation of the new Processes,
- A Project Implementation Plan (for both work-flow processes and automation),and
- A Change Management Strategy.

5. PROMOTE INTER-AGENCY COOPERATION AND INTERNATIONAL COLLABORATION

ODPP operates within the larger criminal justice system which has various investigative agencies, the Judiciary, as well as non-state actors. Effective stakeholder engagement is therefore vital in resolving the bottlenecks within the justice chain which impact on ODPP's service delivery. Some of the key stakeholder engagements by ODPP in the year under review include the following;

i) Investigative Agencies

Kenya has an array of institutions charged with investigating general crime, complex/ specialized areas of crime, and regulatory offences. The work of these agencies, such as the NPS, EACC, KWS, IPOA, KNCHR, KFS, KRA, Immigration Department and CAK feeds into the core mandate of the ODPP. The Office strives to build mutually cooperative relationships with each of these vital partners. There has been continued employment of the prosecution-guided investigation model in complex or high profile cases investigated by the NPS, EACC, IPOA and KWS which include the following:-

- Corruption and other Economic Crimes in the National and County Governments investigated by EACC (including the **Anglo-leasing cases** and the **"176 list of shame cases"**).
- Major local and international narcotics and wildlife trophy intercepts,

- Tracking and arrest of fugitives, such as a major wildlife trafficking kingpin and fugitive in Tanzania
- Police accountability cases investigated by IPOA, including Lang'ata Primary School tear-gassing incident.

Further, as part of the collaboration efforts with various agencies, the ODPP developed Standard Operating Procedures (SOPs) and reference manuals for capacity building. This included the Rapid Reference Guides "Points to Prove" on wildlife and terrorism crimes. Sensitization on the same is ongoing. The ODPP has also spearheaded a national anti-FGM campaign with stakeholders through its Anti-FGM prosecution Section.

ii) Regional and International Legal Cooperation.

The Director of Public Prosecutions was elected to the Presidency of the East Africa Association of Prosecutors. The ODPP hosted the inaugural Eastern Africa Wildlife Crime Conference which adopted a regional 8-country international legal cooperation framework on wildlife crime and a wildlife crime Eastern Africa Prosecutors network. ODPP also contributed to the development of the AU statute of AFRIPOL and AU Maritime Charter, the African equivalent of INTERPOL. Moreover, ODPP continued to participate at the African Association of Prosecutors, Indian Ocean Forum on Maritime Crime, International Association of Prosecutors, and International Association of Penal Law. It was part of numerous important Kenyan delegations to major conferences such as the Rome Statute (ICC) Assembly of State Parties, Kenya's review by the UN Human Rights Council under the Universal Periodic Review Mechanism, 13th UN Criminal Justice Congress and the Annual Meeting of the UN Commission on Crime Prevention and Criminal Justice, inaugural World Congress on Juvenile Justice and CITES COP17.

6. STRENGTHEN POLICY AND LEGISLATIVE FRAMEWORK

i) Internal policy developments

The ODPP reviewed, developed and commenced a number of its internal policy and operational instruments including;

- National Prosecution Policy

- General Prosecution Guidelines,
- Prosecution Guidelines on Economic Crimes.
- Prosecution guidelines on SGBV and Trafficking in Persons.
- Leadership and Code of Ethics for State and Public Officers in the ODPP
- Rapid Reference Guide and Standard Operating Procedures on Wildlife Crimes.
- Rapid Reference Guide and Standard Operating Procedures on Terrorism Offences.
- Rapid Reference Guide and Standard Operating Procedures on Anti-FGM Offences.
- Rapid Reference Guide and Standard Operating Procedures on Hate-Speech Offences.
- Compendium on prosecution of International Crimes and a Piracy and Other Maritime Crimes.

ii) Formulation of criminal justice sector policies

ODPP contributed to the development and implementation of a number of criminal justice sector policies and legislative initiatives. For instance, ODPP contributed to the development of the Bail and Bond Policy Guidelines and the Sentencing Policy Guidelines under the NCAJ. The Office was involved in Inter-agency taskforces including the IDPs Taskforce, Taskforce on Active Case Management Guidelines for Criminal Cases, Taskforce on Traditional Justice Mechanisms and the Taskforce to Develop the Court of Appeal and High Court Administration Bills. ODPP also contributed in discussions on the proposed establishment of the High Court Division on International and Organized Crime by Judiciary and the National Organized Crimes Centre by NPS.

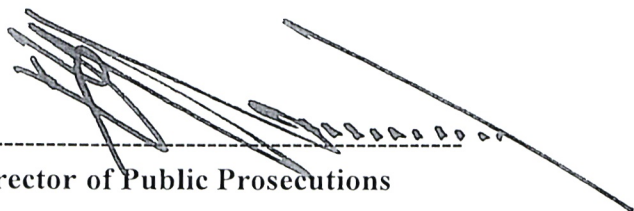
iii) Law reform

Apart from sector-wide policy developments, ODPP was involved in various law reform initiatives. These include the development of the Court of Appeal Bill, High Court Administration Bill, National Coroners Service Bill 2015, and Rules on Witness Protection in Court. The Office also initiated the development of Plea-bargaining Rules and Guidelines, Cybercrime Bill 2014, Wildlife Management & Conservation (Amendment) Bill 2014, Security Laws (Amendment) Act, 2014 and the Victims Protection Act, 2014.

7. FACILITATION OF WITNESSES AND VICTIMS OF CRIME

Recent developments in Kenya have seen the enactment of the Victim Protection Act, 2014. This piece of legislation has introduced new dimensions in the criminal justice processes, where the rights of victims have been upheld, including direct participation in trials. The ODPP is a key player in the realization of the provisions of the Act.

In realization of the role of victims in the criminal justice system, the ODPP operationalized the specialized thematic Division on Children, Witness and Victim Support. The Division proposed modalities for the support of and facilitation of witnesses and victims including, the entering into an MoU with WPA in this regard.



A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a dashed horizontal line.

Director of Public Prosecutions

3. STATEMENT OF OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTION MANAGEMENT RESPONSIBILITIES

Section 81 (1) of the Public Finance Management Act, 2012 requires that, at the end of each financial year, the accounting officer for a National Government Office of the Director of Public Prosecution shall prepare financial statements in respect of that Office of the Director of Public Prosecution. Section 81 (3) requires the financial statements so prepared to be in a form that complies with relevant accounting standards as prescribed the Public Sector Accounting Standards Board of Kenya from time to time.

The Accounting Officer in charge of the ODPP is responsible for the preparation and presentation of the office's financial statements, which give a true and fair view of the state of affairs of the ODPP for and as at the end of the financial year (period) ended on June 30, 2016. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the Office of the Director of Public Prosecution; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the Office of the Director of Public Prosecution; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Accounting Officer in charge of the ODPP accepts responsibility for the office's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS). The Accounting Officer is of the opinion that the Office of the Director of Public Prosecution's financial statements give a true and fair view of the state of ODPP's transactions during the financial year ended June 30, 2015, and of the ODPP's financial position as at that date. The Accounting Officer charge of the ODPP further confirms the completeness of the

accounting records maintained for the ODPP, which have been relied upon in the preparation of the ODPP's financial statements as well as the adequacy of the systems of internal financial control.

The Accounting Officer in charge of the ODPP confirms that the Office of the Director of Public Prosecution has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the Office of the Director of Public Prosecution's funds received during the year under audit were used for the eligible purposes for which they were intended and were properly accounted for. Further the Accounting Officer confirms that the ODPP's financial statements have been prepared in a form that complies with relevant accounting standards prescribed by the Public Sector Accounting Standards Board of Kenya.

Approval of the financial statements

The ODPP's financial statements were approved and signed by the Accounting Officer on 30 June 2016.



Director of Public Prosecutions



Principal Accountant

4. REPORT OF THE INDEPENDENT AUDITORS ON THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

We have audited the accompanying financial statements of ODPP for the year ended June 30, 2016, which comprise: (i) a statement of receipts and payments; (ii) a statement of financial assets and liabilities; (iii) a statement of comparative budget and actual amounts; (iv) a statement of pending bills as at June 30, 2014; and (v) a summary of significant accounting policies and other explanatory information.

Management's responsibility for the financial statements

The ODPP's Management is responsible for the preparation and fair presentation of the financial statements in accordance with International Public Sector Accounting Standards, and for such internal control as the management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' responsibility

Our responsibility is to express an opinion on the financial statements based on our audit. We conducted our audit in accordance with the International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the ODPP's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the ODPP's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the

reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the ODPP as at June 30, 2016, and its receipts and payments, as well as cash flows for the year then ended in accordance with International Public Sector Accounting Standards.

Auditor General

Date

2016 06 30

REPUBLIC OF KENYA

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P.O. Box 30084-00100
NAIROBI

OFFICE OF THE AUDITOR-GENERAL

REPORT OF THE AUDITOR-GENERAL ON OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS FOR THE YEAR ENDED 30 JUNE 2016

REPORT ON THE FINANCIAL STATEMENTS

I have audited the accompanying financial statements of the Office of the Director of Public Prosecutions set out on pages 21 to 42, which comprise the statement of assets as at 30 June 2016, and the statement of receipts and payments, statement of cash flows, statement of comparison of budget and actual amounts, summary statement of appropriation: recurrent and development and summary statement of provisionings 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.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for such 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.

The 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.

Auditor-General's Responsibility

My responsibility is to express an opinion on these financial statements based on the audit and report 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. The audit was conducted in accordance with International Standards of Supreme Audit Institutions. Those standards require compliance with ethical requirements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation

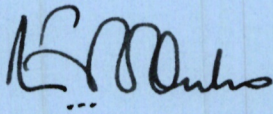
Report of the Auditor-General on the Financial Statements of Office of the Director of Public Prosecutions for the year ended 30 June 2016

and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements present fairly, in all material respects, the financial position of Office of the Director of Public Prosecutions as at 30 June 2016, and 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 Public Finance Management Act, 2012.



FCPA Edward R. O. Ouko, CBS
AUDITOR-GENERAL

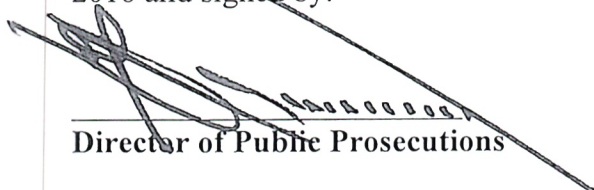
Nairobi

14 February 2017

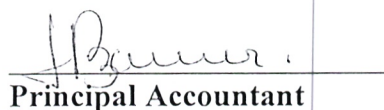
I. STATEMENT OF RECEIPTS AND PAYMENTS

RECEIPTS		2015-2016	2014-2015
Transfers from National Treasury	1	2,013,760,000	1,544,200,000
Domestic Currency and Domestic Deposits			
Other Revenues	2	84,500	114,600
TOTAL REVENUES		2,013,844,500	1,544,314,600
PAYMENTS			
Compensation of Employees	3	1,107,752,262	979,133,977
Use of goods and services	4	798,162,972	468,256,805
Transfers to Other Government Units	5	-	-
Acquisition of Assets	6	108,265,116	103,770,958
Other Expenses	7	-	-
TOTAL PAYMENTS		2,014,180,350	1,551,161,739
SURPLUS/DEFICIT		(335,850)	(6,847,139)

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The ODPP's financial statements were approved on 31ST DEC 2016 and signed by:



Director of Public Prosecutions

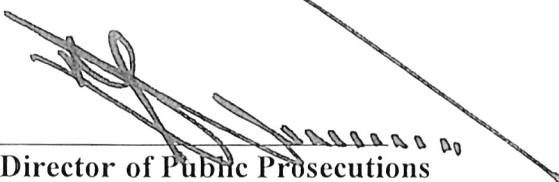


Principal Accountant

II. STATEMENT OF ASSETS

	Note	2015-2016	2014-2015
FINANCIAL ASSETS			
Cash and Cash Equivalents			
Bank Balances	9A	7,430,559	6,983,119
Cash Balances	9B	401	4,667
Total Cash and cash equivalent		<u>7,430,959</u>	<u>6,987,786</u>
Accounts Receivables			
Outstanding Imprests & Advances	9C	-	168,600
TOTAL FINANCIAL ASSETS		<u>7,430,959</u>	<u>7,156,386</u>
FINANCIAL LIABILITIES			
Accounts Payables – Deposits and retentions	11	1,869,834	1,259,411
NET FINANCIAL ASSETS		<u>5,561,125</u>	<u>5,896,975</u>
REPRESENTED BY			
Fund balance b/fwd	12	5,896,975	12,744,114
Surplus/Deficit for the year		(335,850)	(6,847,139)
Prior year adjustments	13	-	-
NET FINANCIAL POSSITION		<u>5,561,125</u>	<u>5,896,975</u>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The ODPP's financial statements were approved on 31ST DEC 2016 and signed by:


Director of Public Prosecutions


Principal Accountant

III. STATEMENT OF CASHFLOW

	Note	2015 - 2016	2014 - 2015
CASH FLOW FROM OPERATING ACTIVITIES			
Receipts for operating income			
Transfers from National Treasury	1	2,013,760,000	1,544,200,000
Other Revenues	2	84,500	114,600
Payments for operating expenses			
Compensation of Employees	3	(1,107,752,262)	(979,133,977)
Use of goods and services	4	(798,162,972)	(468,256,805)
Transfers to Other Government Units	5		
Other Expenses	7		
Adjusted for:			
Adjustments During The Year	9	168,600	-80,370
Change in receivables			
Change in payables	11	610,423	113,008
Net cash flow from operating activities		108,708,290	96,956,457
CASHFLOW FROM INVESTING ACTIVITIES			
Acquisition of Assets	6	(108,265,116)	(103,770,958)
Net cash flows from Investing Activities		(108,265,116)	(103,770,958)
CASHFLOW FROM BORROWING ACTIVITIES			
Domestic Currency and Domestic Deposits	2	-	-
Net cash flow from financing activities		-	-
NET INCREASE IN CASH AND CASH EQUIVALENT		443,174	(6,814,501)
Cash and cash equivalent at BEGINNING of the year	9	6,987,785	13,802,286
Cash and cash equivalent at END of the year	9	7,430,959	6,987,785

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The ODPP's financial statements were approved on

31ST DEC 2016 and signed by:


Director of Public Prosecutions


Principal Accountant

IV. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT AND DEVELOPMENT COMBINED

Revenue/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation Difference to Final Budget
	a	b	c= a+b	d	e=c-d	f=d/c %
RECEIPTS						
Exchequer releases	2,218,004,002	239,400,000	2,457,404,002	2,013,760,000	443,644,002	82%
Transfers from other Government entities	-	-	-	-	-	
Domestic Currency and Domestic Deposits	-	-	-	-		
Other receipts	-	-	-			
Other receipts 'AIA'	60,000	-	60,000	84,500	(24,500)	141%
TOTALS	2,218,064,002	239,400,000	2,457,464,002	2,013,844,500	443,619,502	
PAYMENTS						
Compensation of Employees	1,087,470,000	70,500,000	1,157,970,000	1,107,752,262	50,217,738	96%
Use of goods and services	843,014,549	192,295,000	1,035,309,549	798,162,972	237,146,577	77%
Transfers to Other Government Units	-	-	-	-	-	-
Acquisition of Assets	287,579,453	(23,395,000)	264,184,453	108,265,116	155,919,337	41%
Other Expenses	-	-	-	-	-	-
TOTALS	2,218,064,002	239,400,000	2,457,464,002	2,014,180,350	443,283,652	82%

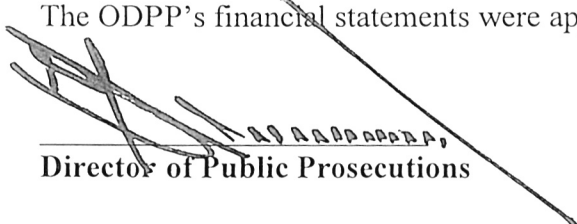
Commentary on underutilization (below 50% of overutilization)

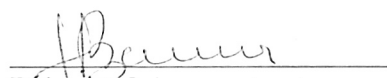
The tender was awarded to the vendors under AGPO who were unable to supply because they had no capacity to supply.

The goods supplied i.e. photocopiers were rejected by the acceptance and inspection committee since they were sub- standard leading to under expenditure.

The late approval of supplementary budget where multi agency funds were factored for purchase of ICT equipment and networking.

The ODPP's financial statements were approved on 31ST DEC 2016 and signed by:


Director of Public Prosecutions


Principal Accountant

V. SUMMARY STATEMENT OF APPROPRIATION: RECURRENT

Revenue/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation Difference to Final Budget
	a	b	c=a+b	d	e=c-d	f=d/c %
RECEIPTS						
Tax Receipts	-	-	-	-	-	
Exchequer releases	1,964,004,002	420,400,000	2,384,404,002	1,991,600,000	392,804,002	84%
Domestic Currency and Domestic Deposits	-	-	-	-	-	
Other receipts 'AIA'	60,000	0	60,000	84,500	(24,500)	141%
TOTALS	1,964,064,002	420,400,000	2,384,464,002	1,991,684,500	392,779,502	84%
PAYMENTS						
Compensation of Employees	1,087,470,000	70,500,000	1,157,970,000	1,107,752,262	50,217,738	96%
Use of goods and services	843,014,549	192,295,000	1,035,309,549	798,162,972	237,146,577	77%
Transfers to Other Government Units	-	-	-	-	-	
Acquisition of Assets	33,579,453	157,605,000	191,184,453	85,199,437	105,985,016	45%
Other Expenses	-	-	-	-	-	
TOTALS	1,964,064,002	420,400,000	2,384,464,002	1,991,114,670	393,349,332	84%

Commentary on underutilization (below 50% of overutilization)

Other receipts 'AIA'

In the financial year 2015/2016 the office collected Kshs. 84,500.00 in form of AIA in excess of the budgeted allocation of Kshs. 60,000.00 in sale of Tender.

The ODPP's financial statements were approved on 31ST DEC 2016 and signed by:


Director of Public Prosecutions


Principal Accountant

VI. SUMMARY STATEMENT OF APPROPRIATION: DEVELOPMENT

Revenue/Expense Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Budget Utilisation Difference	% of Utilisation Difference to Final Budget
	a	b	c=a+b	d	e=c-d	f=d/c %
RECEIPTS	-	-	-	-	-	
Exchequer releases	254,000,000	(181,000,000)	73,000,000	22,160,000	50,840,000	30%
Other receipts 'AIA'						
TOTALS	254,000,000	(181,000,000)	73,000,000	22,160,000	50,840,000	30%
PAYMENTS						
Transfers to Other Government Units	-	-	-	-	-	-
Acquisition of Assets	254,000,000	181,000,000	73,000,000	23,065,679	49,934,321	98%
Other Expenses						
TOTALS	254,000,000	181,000,000	73,000,000	23,065,679.30	49,934,320.70	32%


Commentary on underutilization (below 50% of utilization)

Acquisition of assets

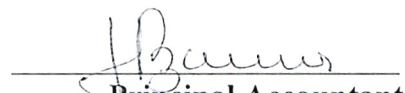
The lengthy procurement process commenced late due to land title, BQs preparation and architectural design. These documentations are done by department of land, housing and urban development.

Lack of land to install containerization offices.

The ODPP's financial statements were approved on 31ST DEC. 2016 and signed by:



Director of Public Prosecutions



Principal Accountant

XI.SUMMARY STATEMENT OF PROVISIONINGS

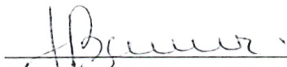
DETAILS OF GENERAL ACCOUNTS ON VOTE

	2015 - 2016	2014 - 2015
	Kshs	Kshs
GAV Provisioning account balance	449,205,128	242,844,132
Total	<u>449,205,128</u>	<u>242,844,132</u>

DETAILS OF EXCHEQUER ACCOUNT

	2015 - 2016	2014 - 2015
	Kshs	Kshs
Exchequer Provisioning Balance	443,644,002	236,947,156
NET AT THE END OF THE YEAR	<u>5,561,126</u>	<u>5,896,976</u>


Director of Public Prosecutions


Principal Accountant

II. SIGNIFICANT ACCOUNTING POLICIES

The principle accounting policies adopted in the preparation of these financial statements are set out below:

1. Statement of compliance and basis of preparation

The financial statements have been prepared in accordance with and comply with International Public Sector Accounting Standards (IPSAS) with particular emphasis on Cash Basis Financial Reporting under the Cash Basis of Accounting. The financial statements comply with and conform to the form of presentation prescribed by the Public Sector Accounting Standards Board of Kenya.

The financial statements are presented in Kenya Shillings, which is the functional and reporting currency of the ODPP. The accounting policies adopted have been consistently applied to all the years presented.

The financial statements have been prepared on the cash basis following the Government's standard chart of accounts. The cash basis of accounting recognises transactions and events only when cash is received or paid by the ODPP.

2. Recognition of revenue and expenses

The ODPP recognises all revenues from the various sources when the event occurs and the related cash has actually been received by the ODPP. In addition, the ODPP recognises all expenses when the event occurs and the related cash has actually been paid out by the ODPP.

3. In-kind contributions

In-kind contributions are donations that are made to the ODPP in the form of actual goods and/or services rather than in money or cash terms. These donations may include vehicles, equipment or personnel services. Where the financial value received for in-kind contributions can be reliably determined, the ODPP includes such value in the statement of receipts and payments both as revenue and as an expense in equal and opposite amounts; otherwise, the contribution is not recorded.

4. Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year. For the purposes of these financial statements, cash and cash equivalents also include short term cash imprests and advances to

authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year.

SIGNIFICANT ACCOUNTING POLICIES (Continued)

5. Pending bills

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they recorded as 'memorandum' or 'off-balance' items to provide a sense of the overall net cash position of the ODPP at the end of the year. When the pending bills are finally settled, such payments are included in the statement of receipts and payments in the year in which the payments are made.

6. Budget

The budget is developed on the same accounting basis (cash basis), the same accounts classification basis, and for the same period as the financial statements. The ODPP's budget was approved as required by Law and as detailed in the Government of Kenya Budget Printed Estimates. A high-level assessment of the ODPP's actual performance against the comparable budget for the financial year under review has been included in an annex to these financial statements.

7. Comparative figures

Where necessary comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

8. Subsequent events

There have been no events subsequent to the financial year end with a significant impact on the financial statements for the year ended June 30, 2016.

II. NOTES TO THE FINANCIAL STATEMENTS

1 EXCHEQUER RELEASES

	2015 - 2016	2014 - 2015
Total Exchequer Releases for quarter 1	401,000,000	212,000,000
Total Exchequer Releases for quarter 2	337,200,000	354,700,000
Total Exchequer Releases for quarter 3	505,500,000	494,500,000
Total Exchequer Releases for quarter 4	<u>770,060,000</u>	<u>483,000,000</u>
Total	<u>2,013,760,000</u>	<u>1,544,200,000</u>

2 OTHER RECEIPTS

	2015-2016	2014 -2015
Receipts from Administrative Fees and Charges - Collected as AIA	84,500	114,600
Other Receipts Not Classified Elsewhere	-	-
Total	84,500	114,600

Note: the total collected as A.I.A represents receipts from sale of tender documents.

NOTES TO THE FINANCIAL STATEMENTS (Continued)

3 COMPENSATION OF EMPLOYEES

	2015 - 2016	2014 - 2015
	Kshs	Kshs
Basic salaries of contractual employees	609,701	
Basic salaries of permanent employees	434,950,673	417,691,341
Personal allowances paid as part of salary	<u>672,191,888</u>	<u>561,442,636</u>
Total	<u>1,107,752,262</u>	<u>979,133,977</u>

4 USE OF GOODS AND SERVICES

	2015 - 2016	2014 - 2015
	Kshs	Kshs
Utilities, supplies and services	2,697,325	7,467,348
Communication, supplies and services	30,882,340	33,747,802
Domestic travel and subsistence	143,029,357	128,126,946
Foreign travel and subsistence	13,481,185	13,084,153
Printing, advertising and information supplies & services	7,564,425	22,326,854
Rentals of produced assets	134,399,844	79,707,062
Training expenses	105,247,316	27,691,938
Hospitality supplies and services	59,155,578	35,844,614
Insurance costs	149,691,223	11,752,631
Specialized materials and services	7,183,695	1,685,653
Office and general supplies and services	46,832,702	58,349,086
Fuel and Lubricants	23,451,780	3,086,565
Other operating expenses	54,463,521	14,040,906
Routine maintenance – vehicles and other transport equipment	12,933,584	11,351,797
Routine maintenance – other assets	7,149,096	19,993,449
Total	<u>798,162,971</u>	<u>468,256,805</u>

NOTES TO THE FINANCIAL STATEMENTS (Continued)

Notes on use of goods and services

A. RECURRENT EXPENDITURE;

003 Offences against the Persons

Training expenses 8.5M

- The procurement module was disabled before processing the expenditures for some of the training
- *Supplies and accessories to computers Kshs. 4 M*
- The under expenditure was due to delay in approval of supplementary estimates and also as result of introduction of new procurement procedures

004 International Economic and Emerging Crime

Publishing and printing Kshs. 1 M

- The annual progress report for ODPP which was to be printed last financial year had not been concluded by the closure of the year.

Office and general supplies 3 M

- The under expenditure was due to delay in approval of supplementary estimates and also as result of introduction of new procurement procedures

Purchase of office e furniture 1 M

- The under expenditure was due to delay in approval of supplementary estimates and also as result of introduction of new procurement procedures

005 County Affairs and Regulatory Prosecutions

- *Hardship allowance Kshs. 6.3 M*

Lengthy procedure in recruitment that delayed the new staff to be brought on board

Extraneous allowance Kshs. 25 M

- The unspent balance was attributed to reduction of allowance to be paid to police prosecutors who were discontinued from prosecution.

Training Kshs. 4.9 M

- The procurement module was disabled before processing the expenditures for some of the training undertaken at the Kenya School of Government thereby resulting to carry over bills this FY.

006 Central Facilitation

Domestic Travel Kshs. 4 M

- The invoices of air ticket for domestic travel were submitted after the closure of FY therefore no payment made.

Rent and Rates Kshs. 3.59 M

- The under expenditure was due to delay in acquisition office space with proper documentation.

Insurance Kshs. 22 M

The under expenditure was as result of lengthy procurement procedures occasioned

007 Executive Secretariat /Multi- Agency special fund

Witness/Victim facilitation Ksh.18 million.

- The under expenditure was as a result of delay in receiving approval for the payment from SRC

Temporary Committee Kshs 58 M

- The Multi- Agency Special fund for the allowance for the officers dealing with anti-corruption was not paid all since the implementation of activities started in February and therefore the balance of Kshs. 24 million. There was also delay in release of the supplementary budget.

Training expenses Kshs 22 M

- The under expenditure was due to delay in release of supplementary budget hence training allocation could not be fully utilized

Salaries for contractual employees Kshs. 4.3 M

- The casual employees were brought on board late under the Multi- Agency.

General office suppliers 18 M

- The under expenditure was due to delay in approval of supplementary estimates and also as result of introduction of new procurement procedures

Purchase of Vehicles and other transport equipment 16 M

- The under expenditure was due non approval of the purchase of the vehicles by the National Treasury since ODPP had been allocated under the lease programme

Purchase of specialized Plant, equipment and Machinery 39.9 M

- The under expenditure was due to delay in release of supplementary and lengthy procurement procedures causing delay in finalization of the procurement process

Purchase of office furniture & general equipment 41 M

- The under expenditure was as result of lengthy procurement procedures and failure of approval of the supplementary budget on time.
- Failure to get the supplier to supply the goods with specific requirement
- Most of the items were to be procured through open tender, which was not possible given the time limit to the closure of the FY.

B. DEVELOPMENT EXPENDITURE

005 county Affairs and Regulatory

Construction of county offices Kshs. 54 million

- The procurement process Commenced late due to ownership documentation, BQs preparation and architectural design. These are done by other entities i.e Ministry of Department of Land, Housing and urban development.
- The specification and requirement of construction works were so high that no contractor met the requirement after evaluation of the bids even though this was an open tender.
- Lack of land to install containerization offices.

006 Central Facilitation

- Purchase of ICT Networking **Kshs. 18 million**
- The procurement started late and could not be concluded before the end of last Financial Year.

NOTES TO THE FINANCIAL STATEMENTS (Continued)

5 TRANSFER TO OTHER GOVERNMENT ENTITIES

Description	2015 - 2016	2014 - 2015
Transfers to National Government entities Treasury		-
TOTAL		-

6 ACQUISITION OF ASSETS

<u>Non Financial Assets</u>	2015 - 2016	2014 - 2015
Refurbishment of Buildings	13,769,300	65,130,513
Construction of Buildings	9,296,379	
Purchase of Vehicles and Other Transport Equipment		-
Overhaul of Vehicles and Other Transport Equipment		-
	85,174,437	
Purchase of Office Furniture and General Equipment		38,640,445
Purchase of ICT Equipment, Software and Other ICT Assets	25,000	
Total	108,265,116	103,770,958

Notes on acquisition of assets

NOTES TO THE FINANCIAL STATEMENTS (Continued)

7 OTHER EXPENSES

	2015 - 2016 Kshs	2014 - 2015 Kshs
Other expenses		-
		-

9 A: BANK ACCOUNTS

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS							
RETURN TEMPLATE FOR THE REGISTER AND RECORDS OF GOVERNMENT BANK ACCOUNTS AS AT 30TH JUNE 2016							
Ref	Name of Public Entity	Bank Name and Branch	Account Number	Nature of Account	2015-2016	Amount returned	Balance
1	ODPP	Central Bank -NRB	1000181605	Recurrent	214,697.00	214,697.00	-
2	ODPP	Central Bank -NRB	1000181796	Deposit	1,869,834.00	-	1,869,834.00
3	ODPP	Central Bank -NRB	1000182075	Development	2,442,680.00	2,442,680.00	-
4	ODPP	Central Bank -NRB	1000182757	Direct Deposit	-	-	-
5	ODPP	Co-op - Mbale	1141472635600	Recurrent	5.00	-	5.00
6	ODPP	Co-op - Siaya	1141257537300	Recurrent	2,490.00	3,446.80	-
7	ODPP	Co-op - Makueni	1141539448100	Recurrent	4,444.60	198.80	4,245.80
8	ODPP	KCB - Migori	1155018745	Recurrent	616.95	616.95	-
9	ODPP	KCB - Nyamira	1154742032	Recurrent	101,854.80	101,854.80	-
10	ODPP	KCB - Kapsabet	1154790134	Recurrent	3,547.00	-	3,547.00
11	ODPP	KCB - Kwale	1155816943	Recurrent	303.80	303.80	-
12	ODPP	KCB - Iten	1154800725	Recurrent	311,258.00	311,258.00	-
13	ODPP	KCB - Kitui	1154837289	Recurrent	955.00	995.00	-
14	ODPP	KCB - Chuka	1151101222	Recurrent	808.00	-	808.00
15	ODPP	KCB - Maralal	1155812905	Recurrent	719.00	-	719.00
16	ODPP	KCB - Kabarnet	1156041147	Recurrent	157,459.00	-	157,459.00
17	ODPP	KCB - Isiolo	1157999972	Recurrent	1,154.00	1,154.00	-
18	ODPP	KCB - Mandera	1157715516	Recurrent	4,072.00	-	4,072.00
19	ODPP	KCB - Lamu	1157979157	Recurrent	-	-	-
20	ODPP	KCB - Kapenguria	1157940080	Recurrent	5,772.00	-	5,772.00
21	ODPP	KCB - Garsen	1158173741	Recurrent	6,793.00	-	6,793.00
22	ODPP	CO-OP - Engineer	1141605249900	Recurrent	408,707.00	405,407.00	3,300.00
23	ODPP	KCB - Kisii	1130021653	Recurrent	328.34	-	328.34
24	ODPP	CO-OP - Kagundo	1141343317500	Recurrent	175.00	117.00	58.00
25	ODPP	CO-OP - Kilgoris	1141480136600	Recurrent	70.10	110.00	-
26	ODPP	KCB - Kilifi	1159011915	Recurrent	14,000.00	-	14,000.00
27	ODPP	KCB - Naivasha	1159015759	Recurrent	2,718.00	-	2,718.00
28	ODPP	KCB - Mwingi	1158878850	Recurrent	5,059.00	5,059.00	-
29	ODPP	KCB - Meru	1130056767	Recurrent	808.00	-	808.00
30	ODPP	KCB - Embu	1130139573	Recurrent	4,788.00	-	4,788.00
31	ODPP	KCB - Thika	1144248817	Recurrent	22,632.70	22,632.70	-
32	ODPP	KCB - Machakos	1129915751	Recurrent	70,649.90	16,222.90	54,427.00
33	ODPP	CO-OP - Kisii East	1141477387200	Recurrent	5,090.40	-	5,090.40
34	ODPP	CO-OP- Kericho	01141336879400	Recurrent	829.00	-	829.00

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

RETURN TEMPLATE FOR THE REGISTER AND RECORDS OF GOVERNMENT BANK ACCOUNTS AS AT 30TH
JUNE 2016

Ref	Name of Public Entity	Bank Name and Branch	Account Number	Nature of Account	2015-2016	Amount returned	Balance
35	ODPP	CO-OP- Narok	01141339453900	Recurrent	19.00	-	19.00
36	ODPP	CO-OP- Nakuru	01141351042800	Recurrent	190,473.38	190,473.40	-
37	ODPP	CO-OP- Kakamega	01141166860300	Recurrent	298.00	298.00	-
38	ODPP	KCB-Homa Bay	1139885138	Recurrent	326,596.80	5,611.60	320,985.20
39	ODPP	CBK- Kisumu	1000191139	Recurrent	827.85	4,969.85	-
40	ODPP	KCB - Busia	1129884112	Recurrent	98,640.00	97,640.00	1,000.00
41	ODPP	KCB - Garissa	1132893054	Recurrent	20,114.00	-	20,114.00
42	ODPP	KCB - Kajiado	1143946863	Recurrent	421,029.88	8,364.40	412,665.48
43	ODPP	KCB-Kerugoya	1139757784	Recurrent	135,877.00	132,777.00	3,100.00
44	ODPP	CO-OP -Athi River	01141563660800	Recurrent	3,601.00	-	3,601.00
45	ODPP	CBK- Mombasa	1000186321	Recurrent	59,279.00	59,264.00	15.00
46	ODPP	KCB-VOI	1143611519	Recurrent	4,163.00	4,362.00	-
47	ODPP	CO-OP - KITALE	01141269214500	Recurrent	297,835.00	3,260.00	294,575.00
48	ODPP	CBK- Eldoret	1000185724	Recurrent	35,014.70	-	35,014.70
49	ODPP	KCB- Lodwar	1144399041	Recurrent	10,746.30	10,748.30	-
50	ODPP	KCB-Bungoma	1130189805	Recurrent	163.30	166.70	-
51	ODPP	KCB- Hola	1164879952	Recurrent	912.00	-	912.00
52	ODPP	KCB- Marsabit	1144092876	Recurrent	822.00	822.00	-
53	ODPP	KCB- Nyeri	1155812905	Recurrent	108,778.35	108,778.35	-
54	ODPP	KCB- Muranga	1139727575	Recurrent	7.35	-	7.35
55	ODPP	CO-OP - Nyahururu	01141501491500	Recurrent	7,928.05	7,928.05	-
56	ODPP	KCB- Wajir	1143775384	Recurrent	41,716.80	-	41,716.80
57	ODPP	CO-OP- Bomet	01141357279900	Recurrent	6.00	6.00	-
58	ODPP	KCB-Malindi	1130200345	Recurrent	159.80	159.80	-
59	ODPP	KCB-Loitokitok	1159146659	Recurrent	-	-	-
					7,430,959.00	4,162,383.20	3,273,327.05

9 B: CASH IN HAND

	2015 - 2016	2014 - 2015
HEAD OFFICE cash office	400.6	4,667
Total	400.6	4,667

Cash Count Certificate As At 30th June 2015

Denomination	Number	Total
1000		
500		
200		

ODPP Reports and Financial Statements
For the year ended June 30, 2016 (Kshs')

Denomination	Number	Total
100	4	400
50		
40		
20		
10		
5		
1		
.50		00.60
Total		400.60

The cash held at head office was as per indicated cash count certificate.

9 C: ACCOUNTS RECEIVABLE - OUTSTANDING IMPRESTS

<i>Description</i>	2015 - 2016	2014 - 2015
	Kshs	Kshs
Government Imprests		168,600
Clearance accounts	-	-
Total		<u>168,600</u>

Breakdown of the outstanding imprest

<i>Name of Officer or Institution</i>	<i>Date Imprest Taken</i>	<i>Amount Taken</i>	<i>Amount Surrendered</i>	<i>Balance</i>
		Kshs	Kshs	Kshs
Total		0		0

11. ACCOUNTS PAYABLE

	2015 - 2016 Kshs	2014 - 2015 Kshs
Deposits	1,869,834	1,259,411
Total	1,869,834	1,259,411

[Accounts payables are retention monies owed to contractors as listed in annex3]

12. FUND BALANCE BROUGHT FORWARD

	2015 - 2016 Kshs	2014 - 2015 Kshs
Bank accounts	6,983,119	13,051,076
Cash in hand	4,667	751,210
Accounts Receivables	168,600	88,230
Accounts Payables	(1,259,411)	(1,146,403)
Total	5,896,975	12,744,114

[Provide short appropriate explanations as necessary]

NOTES TO THE FINANCIAL STATEMENTS (Continued)

[The amount of bank accounts is inclusive of amounts held by field stations as shown in appendix 5]

13 PRIOR YEAR ADJUSTMENTS

	2015 - 2016	2014 - 2015
	Kshs	Kshs
Bank accounts	-	-
Cash in hand	-	-
Cash equivalents (short-term deposits)	-	-
Imprest	-	-
Funds balance	-	-
	-	1,146,403
Total	-	1,146,403

(funds balance for 2014/2015 were adjusted since the amount included retention money owed to contractors which as per change in presentation is not part of funds)

14. OTHER IMPORTANT DISCLOSURES

14.1: PENDING ACCOUNTS PAYABLE (See Annex 1)

	Kshs	Kshs
Construction of buildings	-	-
Construction of civil works	-	-
Supply of goods	5,849,635	7,566,999
Supply of services	4,485,217	18,906,753
	10,334,852	26,473,752

14.2: PENDING STAFF PAYABLES (See Annex 2)

	Kshs	Kshs
Senior management	-	-
Middle management	-	-
Unionisable employees	-	-
Others (specify)	-	-
	-	-

14.3: OTHER PENDING PAYABLES (See Annex 3)

	Kshs	Kshs
Amounts due to National Government entities	-	-
Amounts due to County Government entities	-	-
Amounts due to third parties	1,869,834	1,259,412
Others (specify)	-	-
	1,869,834	1,259,412

15 PROGRESS ON FOLLOW UP OF AUDITOR RECOMMENDATIONS

The following is the summary of issues raised by the external auditor, and management comments that were provided to the auditor. We have nominated focal persons to resolve the various issues as shown below with the associated time frame within which we expect the issues to be resolved.

Reference No. on the external audit Report	Issue / Observations from Auditor	Management comments	Focal Point person to resolve the issue (Name and designation)	Status: (Resolved / Not Resolved)	Timeframe: (Put a date when you expect the issue to be resolved)
OAG/ODPP /2014/2015/ 12	Increasing pending bills. The office has pending bills of ksh 26,473,752.95(2014:ksh1, 196,404) as at 30 june 2015 against a deficit of ksh 6,847,139(2014: ksh 5, 593,7520). Service sustainability will be threatened if this trend continues into the future.	The pending bills were as a result of lengthy procurement procedures.	Assistant Director Supply Chain Management System.	RESOLVED	N/A


Director of Public Prosecutions


Principal Accountant

IX. ANNEX 1 - ANALYSIS OF PENDING ACCOUNTS PAYABLE

PENDING BILLS ANALYSIS – CURRENT AS AT 30TH JUNE, 2016

NO	SUPPLIER	ITEM	AMOUNT
1	Jemar Merchants	Supply of Box files	64,956
2	Manhattan Gen. Supplies	Supply of assorted computer accessories.	1,047,560
3	Jago Agencies	Supply of photocopying papers	1,901,293
4	Raymer Enterprises	Supply and delivery of stationery items	459,750
5	Camilex Supplies	Supply and delivery of assorted stationery	541,338
6	Riscan Enterprises	Supply of pritt glue and desk organizer	68,000
7	Chia General Suppliers	Supply of toners	969,326
8	Maruti Office Supplies	Purchase of water Dispenser	799,411
9	African Savana Tours	Supply of return Air ticket for JACINTA NYAMOSI to Kisumu.	23,630
10	Kenya Pipeline Company	Provision of conference facilities at MORENDAT.	172,000
11	African Touch Safaris	Return Air ticket for regional workshop for AML workshop in MSA	249,245
12	International Supply Chain Solutions	Development of procurement guidelines.	1,100,000
13	Mfi Document Solutions	Service and repair of various KYOCERA PHOTOCOPIERS	1,440,000
14	Ksg Embu	Conference for Anti Corruption for FGM 18 th - 19 th April, 2016	346,840
15	Kenya Pipeline Company Ltd	Provision of Conference facilities at Kenya Pipeline Naivasha for tender evaluation 4 th -6 th April 2016 for various tenders	328,860
16	Kenya School of Government - Embu	Provision of conference facilities for development of WAN tender 8 th to 11 th June, 2016	250,560
17	African Touch	Air tickets to Lamu for 3 officers county affairs	95,955
18	Pago Airways	Return Ticket from Nairobi- Vilnius for Lucy Minoo (training) on 2 nd July 2016	292,805
19	Boma Travel	Penalty for Emily Kamau's ticket	12,900
20	Pago	Return Ticket to Pretoria for Jacob Ondari (training)	127,900

21	Pago	Return ticket to Mombasa for Gikui	17,250
22	Pago Airways	Payment for penalty charges for Lilian Obuo	25,272
	TOTAL		10,334,852

Reason for pending Bills

- The construction works advertised and after evaluation none of the potential bidder was responsive.
- Late approval of the supplementary estimates for FY 2015/16 by Parliament. This affected the procurement of goods and services under the Multi – Agency fund.
- Transition of old act of 2005 and the new public procurement and Asset Disposal Act of 2015 also slowed down the procurement proceedings.
- The contracts awarded under YAGPO who did not have capacity to deliver the goods and services
- The long procurement procedures that was introduced new procurement regulation

X. ANNEX 2 - ANALYSIS OF PENDING STAFF PAYABLES

Name of Staff	Job Group	Original Amount	Date Payable Contracted	Amount Paid To-Date	Outstanding Balance 2013	Outstanding Balance 2012	Comments
		a	b	c	d=a-c		
Senior Management							
Sub-Total							
Middle Management							
Sub-Total							
Unionisable Employees							
Sub-Total							
Others (specify)							
Sub-Total							
Grand Total							

XI. ANNEX 3 - ANALYSIS OF OTHER PENDING PAYABLES

Name	Brief Transaction Description	Original Amount	Date Payable Contracted	Amount Paid To-Date	Outstanding Balance 2014	Outstanding Balance 2015	Comments
		a	b	c	d=a-c		
Amounts due to National Govt Entities							
1.							
2.							
3.							
Sub-Total							
Amounts due to County Govt Entities							
4.							
5.							
6.							
Sub-Total							
Amounts due to Third Parties							
7. Bullsons	Retention	4,584,528				458,452.80	
8. Start General Contractors	Retention Money	5,214,055	29.11.2013	4,692,650	521,406	521,406	
9. Quick Engineering	Retention Money	494,885	29.11.2013	445,396	49,489	49,489	
10. Push Agencies	Retention Money	951,188	29.11.2013	856,069	95,119	95,119	
11. Prisca Engineering	Retention Money	1,611,753	03.12.2013	1,450,578	161,175	161,175	
12. Faim k construction	Retention Money	1,130,084	15.06.2015	1,017,076	113,008	113,008	
13. Havillah investments ltd	Retention Money	2,355,925.70		2,120,333.15	235592.55	235592.55	
14. Havillah investments ltd	Retention Money	2,355,925.70		2,120,333.15	235592.55	235592.55	
Sub-Total					1,146,404	1,869,834.90	
Others (specify)							
15.							
16.							
17.							
Sub-Total							
Grand Total							

XII. ANNEX 4 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Historical Cost (Kshs) 2015/16	Historical Cost (Kshs) 2014/15
Land	-	-
Construction of Buildings and structures	9,296,379	-
Refurbishment of Assets	78,899,813	65,130,513
Transport equipment	133,558,035	133,558,035
Office furniture and general equipment	260,056,549	180,448,302
ICT Equipment, Software and Other ICT Assets	28,828,791	28,828,791
Other Machinery and Equipment	111,030,634	105,439,445
Heritage and cultural assets	-	-
Intangible assets	-	-
Total	621,670,201	513,405,086

XIII. ANNEX 5 – LEASED VEHICLES

ODPP LIST OF LEASED VEHICLE

a) Distribution to field offices

NO	NAME OF COUNTY	TYPE OF VEHICLE	REG NO	MAKE
1.	NYAHURURU	PEUGEOT	GK B 183 M	508
2	NAIVASHA SUB-COUNTY	PEUGEOT	GK B 085 M	308
3	GITHUNGURI SUB-COUNTY	PEUGEOT	GK B 086 M	308
4	THIKA	PEUGEOT	GK B 186 M	508
5	KILIFI	PEUGEOT	GK B 145 M	508
6	MERU	PEUGEOT	GK B 143 M	508
7	KIRINYAGA	"	GK B 172 M	508
8	KANGUNDO	"	GK B 088 M	308
9	MAVOKO	"	GK B 089 M	308
10	BUSIA	"	GK B 194 M	508
11	KAKAMEGA	"	GK B 137 M	508
12	TRANS NZOIA	"	GK B 283 M	508
13.	UASHIN GISHU	"	GK B 148 M	508
14.	MWINGI	"	GK B 090 M	308
15	MIGORI	"	GK B 331 M	508
16.	NYAMIRA	"	GK B 091 M	308
17.	MURANGA	"	GK B 092 M	308
18.	BONDO	"	GK B 093 M	308
19.	KWALE	"	GK B 304 M	508
20.	TRANS MARA	"	GK B 094 M	308
21.	OGEMBO	"	GK B 095 M	308
22.	VIHIGA	"	GK B 138 M	508
23	OLOITOKTOK	"	GK B 096 M	308
24.	NYERI	"	GK B 337 M	508
25.	EMBU	"	GK B 298 M	508
26.	KISII	"	GK B 325 M	508
27.	KERICHO	"	GK B 308 M	508
28.	BOMET	"	GK B 321 M	508
29.	BUNGOMA	"	GK B 333 M	508
30	KEROKA	"	GK B 087 M	308
31	KISUMU	"	GK B 185 M	508

b) NAIROBI/ HEADQUARTERS

	TYPE OF VEHICLE	REG NO	MAKE	
31.	PEUGEOT	GK B 151 M	508	
32.	“	GK B 159 M	508	
33.	“	GK B 177 M	508	
34.	“	GK B 179 M	508	
35.	“	GK B 192 M	508	
36.	“	GK B 340 M	508	
37.	“	GK B 293 M	508	
38.	“	GK B 278 M	508	
39.	“	GK B 146 M	508	

