

# Multi Agencies Strategic Intervention on Prosecution and the Level of Asset Recovery in Kenya

Abdulhamid Farooque Low<sup>1</sup>, James Odhiambo Oringo<sup>2</sup>, Priscilla Ndegwa<sup>3</sup>

<sup>1</sup>School of Business, Kenyatta University - Nairobi, Kenya

<sup>2</sup>School of Business and Entrepreneurship, Bomet University College

<sup>3</sup>School of Business, Kenyatta University

Email address: <sup>1</sup>abdulhamid.low@gmail.com, <sup>2</sup>oringo.james@ku.ac.ke, <sup>3</sup>ndegwa.priscilla@ku.ac.ke

**Abstract**— The core function of the office of the Director of Public Prosecutions (ODPP) in corruption cases is to prosecute those charged by the Ethics and Anti-Corruption Commission (EACC) with corruption offences while upholding, protecting and promoting their human and constitutional rights. Speedy and successful prosecution of corruption offences, to a large extent, contributes to the deterrence of the offences as well as increase in the value of assets recovered. It is clear that multi-agencies cooperation at the national level is not only crucial to effective prosecution of corruption offences but also an important precondition for cooperation against the vice. Consequently, ODPP can play a key role within these mechanisms and pave the way to more effective prosecutions based on multi-agencies' strategic intervention. Therefore, this paper's main purpose was to establish the influence of multi agencies' strategic intervention on prosecution of corruption cases and the level of asset recovery in Kenya. Specifically, the paper focused on; influence of advice related to the application of criminal law, effect of instituting and undertaking criminal proceedings, influence of directing and suspending investigations, and effect of monitoring public prosecutors; on the level of asset recovery in Kenya. Further, the paper sought to establish the moderating role of commitment by the executive arm of government on the relationship between prosecution and the level of asset recovery in Kenya. The study adopted a descriptive design where both quantitative and qualitative data was collected. The target population of the study were senior managers of seven agencies in Kenya (EACC, ODPP, DCI, Financial Reporting Centre, office of the Attorney General, ARA, and KRA). The sampling frame was 68 managers of the seven agencies and a census was adopted where the respondents were picked purposively. The study used both primary and secondary data and the research instrument was a questionnaire. The validity of the study was enhanced through expert opinion as well as literature review from past relevant studies. The Cronbach's Alpha reliability coefficient was used to determine the reliability of the instrument. Data was analysed by use of descriptive analysis, inferential analysis, and content analysis. The study's findings are of great value to policy makers that could possibly bring some policy reforms in fighting corruption. The findings are also of great significance to academicians and researchers who might need them as a source of secondary data.

**Keywords**— Multi Agencies, Strategic Intervention, Prosecution, Asset Recovery.

## I. INTRODUCTION

Kenya, like many developing nations of the world, is faced with major governance challenges caused by corruption (Ethics and Anti-Corruption Commission [EACC], 2012). Money laundering and corruption crimes and theft of public asset are prevalent and are manifest in; huge amounts of personal wealth running into billions of shillings; great mobility of capital, and the several ways to hide the assets (Ayogu&Agbor, 2014). The World Bank estimates that the cross-border flow of the global proceeds from corruption, theft, and tax evasion is between \$1 trillion and \$1.6 trillion annually. Corruption has manifested as an international vice with corrupt practices being witnessed in various countries across the global (Kichwen, 2017). In Kenya and Nigeria, corruption has been recognized as a major obstacle to the development of both countries' development and it has become so endemic that the political culture of corruption in the two countries can be discussed. According to Ayodeji (2013), in Kenya, the administration led by the Daniel Arap Moi was reported to have looted over US\$1 billion from Kenya treasury while corruption costs Kenya as much as US\$1bn a year. In Nigeria, Sani Abacha individually embezzled about US\$5 billion over his five-year term in office. Recent report provided evidence that the total amount

of money stolen by past and present Nigerian governments is US\$521 billion and according to the Transparency International's Corruption Perception Index (CPI), Kenya and Nigeria are among the countries perceived to have the highest rates of corruption globally, recording averages of 2.05 ever since 2002 (Ayodeji, 2013).

A survey conducted by the EACC Kenya (2012) shows that corruption still remains to be the major problem with 54.5% of Kenyans indicating that corruption is a serious problem compared to 39.2 % in 2010. Additionally, 41% of those asked for a bribe truly paid the bribe required for one reason or another. According to Transparency International's CPI, Kenya's position continues to drop and was ranked at position 136 out of 177 in 2013 as compared to position 122 in 2003, which implies that Kenya is yet to resolve the issue of corruption and stealing of assets. The corruption index in Kenya was 22.36 points between 1996 and 2016 while in 2017 it was at 19 points, and by the end of the year the predictions were that the corruption index would be 24.52 points average. The seizure as well as recovery of the proceeds of corruption, asset recovery, is a powerful tool that can combat corruption (Gray, Hansen, Recica-Kirkbride, and Mills, 2014). Development agencies along with other stakeholders have shown commitment to improving the effectiveness of development using asset recovery to fight corruption. Asset

recovery is performed through various legal avenues, including criminal confiscation, non-conviction based impounding, civil actions, as well as actions involving the usage of mutual legal aid. Theft of assets through corruption creates a severe leakage of state funds, draining away the resources required for development. A concern has been raised by Kenyans from thirty-two counties that the Building Bridges Initiative team has visited that more needs to be done to recover the proceeds of corruption from graft suspects. The Kenya government established several institutions and watchdog agencies to fight corruption and enhance asset recovery. These agencies include: The Ethics and Anti-Corruption Commission (EACC), the Office of the Director of Public Prosecution (ODPP), Directorate of Criminal Investigations (DCI), the Financial Reporting Centre (FRC), Office of the Attorney General, Asset Recovery Agency (ARA), and Kenya Revenue Authority (KRA). However, this study was purposed to investigate the level of asset recovery as a result of inventions by the Office of the Director of Public Prosecution (ODPP). ODPP has the mandate to institute and to undertake prosecution of criminal matters and all other related incidents.

#### *Empirical Review on Strategic Intervention on Prosecution and the Level of Asset Recovery*

Ayodeji (2013) conducted a comparative analysis of strategies employed by Kenya and Nigeria's anti-corruption agencies and results showed that international co-operation in prosecution and asset recovery was visible. The study used a comparative case study and data was obtained from primary (interview of officials) and secondary sources (official journals, Internet resources, international sponsored documents, newspapers, and magazines). The interview respondents were selected using purposive sampling from both Kenya and Nigeria and supplemented with snowballing sampling. The results cannot be generalized to this study because the study had adopted a case study design. Additionally, non-probability sampling lacks representativeness of the entire population thus lowering the generalizability of the study findings.

According to Wangui (2014) in an investigation on the barriers to effective investigation as well as prosecution of corruption related cases in Kenya by the EACC, the legal framework, slow judicial process, and court rulings present serious challenges to effective effecting of EACC mandate. The research design employed was a descriptive case study that targeted 238 employees working with the EACC, where stratified random sampling helped to obtain a sample size of 79 respondents since the employees belonged to different departments. Data collection involved the use of face-to-face interviews as well as the questionnaire. Data was analyzed qualitatively and quantitatively but the results cannot be applied to this current study because findings from a case study limit the generalizability of results.

Kichwen (2017) considered the effectiveness of anti-corruption strategies in Kenya and reported that the government had implemented several anti-corruption strategies, ranging from financial, legal, through to

institutional. A descriptive design was appropriate and the study targeted 1024 employees working with the EACC in Nairobi. Random sampling was used and respondents provided information through a semi-structured interview method and data analyzed through the statistical package for social sciences (SPSS). However, the study targeted only the EACC which is one of the multi agencies for fighting corruption in Kenya. According to Engelbert (2014), the role of the anti-corruption agencies in investigating and prosecuting corruption cases related to procurement is definitely stronger in the anti-corruption systems due to the streamlined approach which makes them at the same time highly exposed to exertion of political influence. Additionally, the study argues that effective collaboration mechanisms between anti-corruption agencies, monitoring in sectors prone to corruption, as well as public prosecution are crucial for combating corruption. The investigation was carried out by means of a comparative case study. However, these findings were limited to Uganda and Tanzania and thus cannot be applied to this study that intends to be a case study of Kenya. Ngetich (2012) assessed the role of prosecution authorities in curbing the problem of poaching as well as wildlife trafficking in Kenya using a descriptive design and reported that prosecution of crimes concerning poaching as well as wildlife trafficking does not serve as effective strategies to deter offenders. When successful prosecutions deter criminals, the result should be a reduction in the occurrences of poaching and wildlife trafficking. The study however targeted the wildlife service departments and examined prosecution only while the focus of this study is multi agencies strategic intervention on corruption and the level of asset recovery in Kenya.

## II. STUDY CONCEPTUALIZATION

The study hypothesized that those prosecution actions which include; instituting and undertaking criminal proceedings, directing and suspending investigations, monitoring public prosecutors and advising on application of criminal law; have influence on the level of asset recovery in the corruption. The study also hypothesized the moderating role of commitment by the executive arm of government on the relationship between prosecution and the level of asset recovery (Figure 1).

## III. STUDY METHODOLOGY

The study adopted descriptive design which the researcher found appropriate because the study was planned to describe data using words, charts, pictures, and tables, and indicate whether there is a statistical relationship after data has been analyzed. The target population of this study was the multi agencies tasked with fighting corruption and recovery of assets; the EACC, ODPP, DCI, FRC, office of the attorney general, ARA, and KRA. The population consisted of 68 management officials of the seven multi agencies as shown in Table 1. Given the small size of the target population, the study adopted census as sampling strategy for the multi agencies, after which purposive sampling was used to select the respondents in each category (agency). The study used

both primary and secondary data. The questionnaire was used to collect both quantitative and qualitative data and therefore it consisted of both closed ended and open-ended questions.

Descriptive, inferential analysis and content analysis were used to analyze data.

**Independent Variable**

**Dependent Variable**

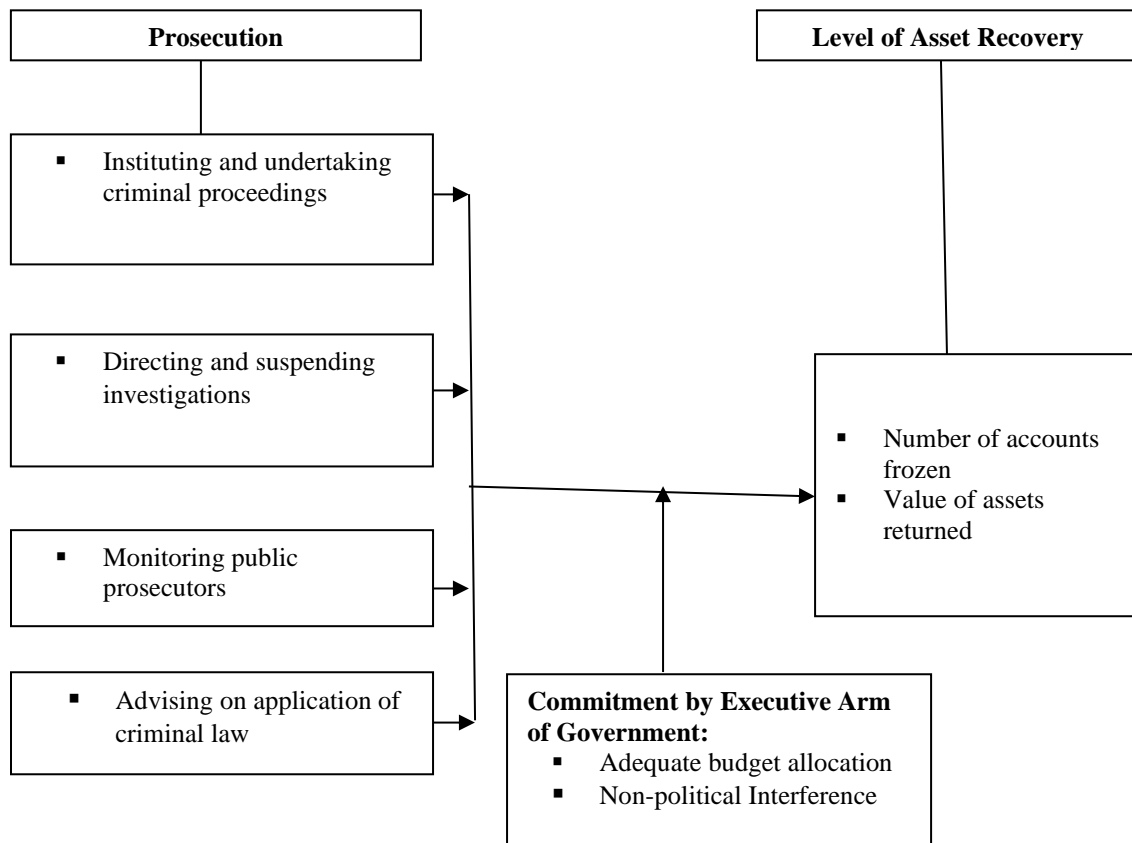


Figure 1

Table 1. Target Population

Anti- Corruption Agency	Number of Management Officials
Kiambu	8
Thika	10
Gatundu	9
Githunguri	5
Kikuyu	11
Limuru	9
Kenya Revenue Authority	16
<b>Total</b>	<b>68</b>

**IV. FINDINGS AND DISCUSSIONS**

**4.1 Response Rate**

The data collected was coded and cleaned to ensure that there was consistency in the information collected. Data was collected from 68 management officials from 7 different Multi agencies and the response rate was 92.65%

Table 4.1 Response Rate

Category	Frequency	Percentage
Questionnaires administered	68	100%
Questionnaires Returned	63	92.65%

Source: Research data (2020)

As indicated in Table 4.1, out of 68 questionnaires which were distributed, 63 of them were correctly filled and returned. This constitutes a response rate of 92.65%. Accordingly, the rate was satisfactory to make conclusions for the study.

**4.2 Gender of Respondents**

Respondents were asked to indicate their gender. Majority of the respondents were male (75.4%) as compared to female (24.6%). The results show there is gender disparity in the Multi agencies fighting Corruption whereby male employees are three times more than female employees.

Table 4.2: Gender of Respondents

Category	Frequency	Percentage
Male	45	75.4%
Female	18	24.6 %
<b>Total</b>	<b>63</b>	<b>100%</b>

Source: Research data (2020)

**4.3. Respondents Level of Education**

Respondents were asked to indicate their highest level of education. Half of the respondents (50%) had degree while 20% were diploma holders and 30% had masters. The results

have shown that the respondents from this multi agencies had qualified employees working at the agencies. Table 4.3 summarizes these results.

Table 4.3: Highest Level of Education

Category	Frequency	Total
Diploma	12	20%
Degree	32	50%
Masters	19	30%
<b>Total</b>	<b>63</b>	<b>100%</b>

Source: Research data (2020)

#### 4.4 Respondents Distribution by Position

Respondents were asked to indicate their position at the Multi agencies. The data presented in figure 2 indicate that majority of the respondents (62%) were junior staffs while 18% were employees in middle level management and 20% were in the senior level of management. The results show that focus was on Multiagency Management Officials to provide information for the study.

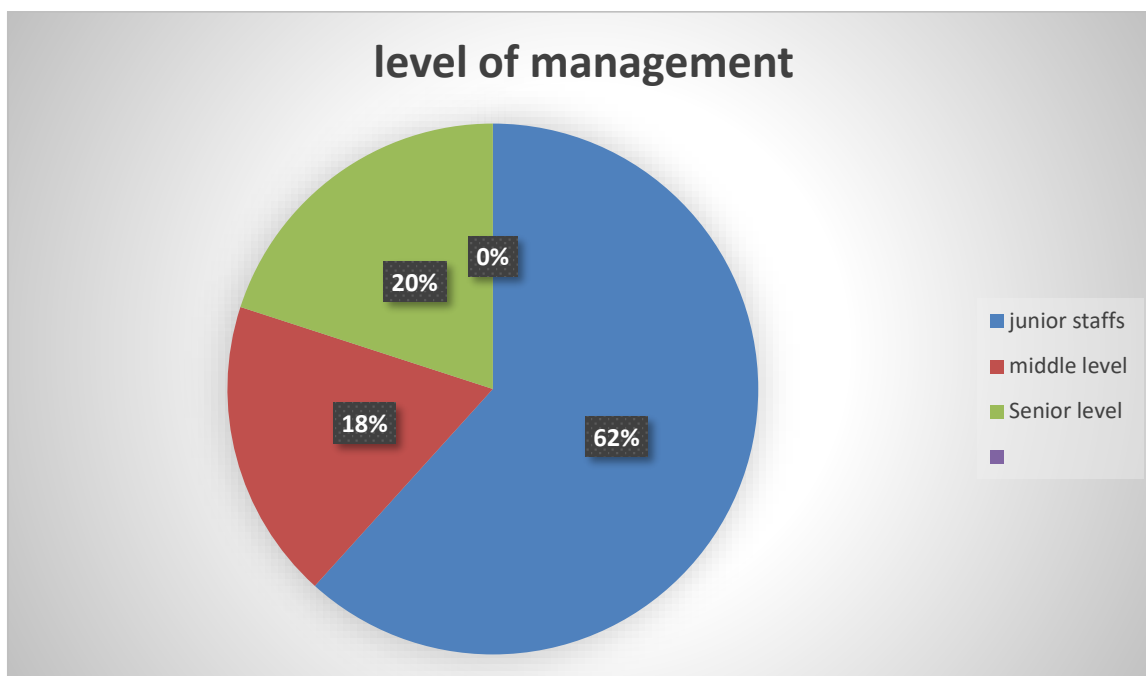


Figure 2: Position of the Respondents

Source: Research data (2020)

#### 4.5 Years worked in the agency

Table 4.4 Years worked in the agency

Category	Frequency	percentage
Less than a year	12	19.05%
1 -2 years	25	39.68%
3 years	8	12.70%
4 years and above	8	12.70%
<b>Total</b>	<b>63</b>	<b>100%</b>

Source: research data (2020)

From the study findings in table 4.4, it was clear that the respondents in the Multi Agencies in Kenya had clear hands on approach experience. This was represented by 39.68% of the target population, in that most of the respondents had years 1 - 2 years of working experience. Respondents who had worked in the agencies for duration of 3 years and 4 years respectively were represented by 12.70% of the target population. Respondents who had worked for less than a year were 19.05% of the population.

#### 4.6 Role played by the agencies in the war against corruption Response

Table 4.5 Role Played by the agencies in the war against corruption Response

Category	Frequency	Percentage
Not sure	0	0%
Disagree	1	1.59%
Strongly disagree	3	4.76%
Agree	28	44.44%
Strongly agree	31	49.21%
<b>Total</b>	<b>63</b>	<b>100%</b>

Source: Research data (2020)

The study findings clearly showed that most of the respondents clearly agreed that the agencies played a clear role in war against corruption; this was represented by 49.21% of the target population. At 44%, the respondents also agreed that the agencies played important role in war against corruption.

#### 4.7 Acquainted with information regarding anti-corruption activities in Kenya

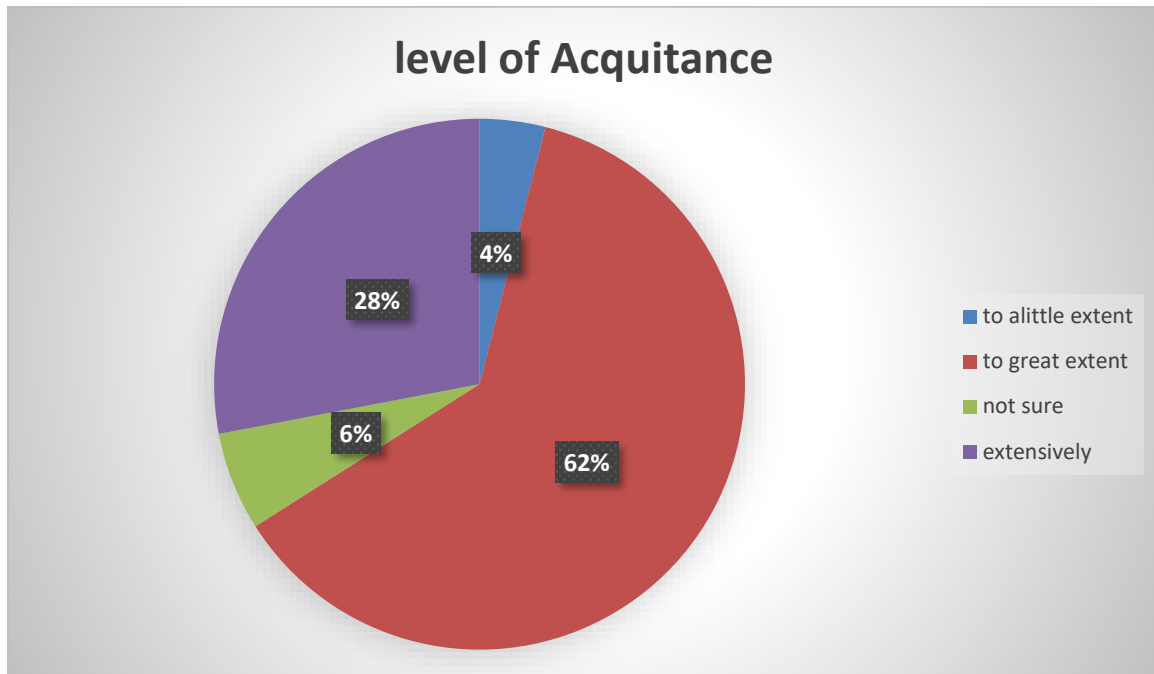


Figure 3. Level of Acquaintance

Source: Research data (2020)

From the figure 3, it was clear that most of the respondents were acquainted with the information regarding anticorruption and asset recovery to a great extent, this was represented by 62%, whereas, those who were acquainted extensively were 28%. Those who were acquainted to a little extent and not sure represented 4% and 6% respectively.

#### 4.4 Descriptive statistics

##### 4.4.1 Prosecution

Prosecution was measured using indicators comprising, instituting and undertaking criminal proceeding, directing and suspending investigations, monitoring public prosecutors and advising on application of criminal law. The descriptive statistics for each of these indicators are presented and discussed in Table 4.6.

Table 4.6. Prosecution on corruption and asset recovery

Statement	n	Mean
Prosecution institutes and helps in undertaking of criminal proceedings	63	3.50
Prosecution is aimed at directing as well as supervising investigations	63	3.52
Monitoring of public prosecutors' influences corruption and recovery of assets	63	3.48
Advising on the application as well as development of criminal law impacts on corruption and recovery of assets	63	3.63
Prosecution ensures legal controls as well as reviews of corruption cases	63	3.66
The public prosecutor processes cases concerning misuse of office	63	3.27
<b>Aggregate Scores</b>	<b>63</b>	<b>3.51</b>

Source: Research Data (2020)

From the study findings the overall mean was 3.51. This clearly shows that most of the respondents agreed with the statements. Specifically, at a mean of 3.66, respondents agreed with the statements that prosecution ensures legal controls as

well as reviews of corruption cases and which influences the level of asset recovery. Further, at a mean of 3.63, respondents also agreed with the statement that, advising on the application as well as development of criminal laws on corruption have impact on recovery of assets. The findings were also similar, to a response from a key informant, who supported a statement highlighting the other ways prosecution helps in combating corruption and enhancing recovery;

*“Psychological impact to the public, may act as deterrence.”*

Respondents also agreed with the statement that prosecution is aimed at directing as well as supervising investigations and also that, prosecution institutes and helps in undertaking of criminal proceedings. These were represented by means of 3.52 and 3.50 respectively.

#### 4.8 Commitment by Executive Arm of Government

Commitment by Executive Arm of Government was measured using indicators comprising; speed of case commencement and disposal, control of case during trial and ordering appropriate punishment. The descriptive statistics for each of these indicators are presented and discussed in table 4.7.

Table 4.7. Commitment by Executive Arm of Government on Corruption and asset recovery

Statement	N	Mean
There is adequate budget allocation to fight graft and recover stolen assets	63	2.41
There are adequate funds to run the operations of the anti-corruption agencies throughout the year	63	2.37
The head of state is determined to combat corruption in Kenya	63	4.63
The fight against corruption is never challenged by political interference	63	3.01
There is political interference in the award of public works contracts	63	3.21
<b>Aggregate scores</b>	<b>63</b>	<b>3.126</b>

Source: Research data (2020)



The overall mean in the study clearly showed that the respondents neither agreed nor disagreed with the statements. This was represented by a mean of 3.126. From the study findings as shown in table 4.8, the respondents **strongly agreed** with the statement that, the head of state is determined to combat corruption in Kenya. This was represented by a mean of 4.63. Some of the respondents neither agreed nor disagreed with the statements, that, the fight against corruption is never challenged by political interference; they also neither agreed nor disagreed with the statement that there is political interference in the award of public works contracts. This was represented by a mean of 3.01 and 3.21 respectively. In relation to the statements, one key informant, neither agreed nor disagreed with the statement, that the executive arm of Kenya government is committed to fight and recover stolen items. The response was that;  
“a number of senior persons in the executive are culprits of corruption”

#### 4.9 Measuring the level of Asset recovery

Asset recovery was measured by indicators that comprised of number of accounts frozen and value of asset returned.

Table 4.8 Measuring the level of Asset recovery

- i) Compared to 10 years ago, would you say that the number of frozen accounts in corruption cases in Kenya are on the rise or are decreasing?

Category	Frequency	%
Increasing	32	50.79%
Reducing	4	6.35%
Not sure	4	6.35%
Decreasing in some sectors	5	7.94%
Increasing in some sectors	18	28.57%
Total	63	100%

Source: research data (2020)

The findings of the study clearly showed that there is an increase on frozen accounts due to corruption. This was represented by 50.70%. Whereas respondents who were not sure that there was a reduction in the increase of frozen accounts due to corruption. This was represented by 6.35% respectively.

- ii) Compared to 10 years ago, would you say that the value of returned assets in corruption cases in Kenya are on the rise or are decreasing?

Category	Frequency	%
Increasing	44	69.84%
Reducing	3	4.76%
Not sure	7	11.11%
Decreasing in some sectors	2	3.17%
Increasing in some sectors	7	11.11%
Total	63	100%

Source: research data (2020)

From the study findings clearly showed that respondents agreed with the statement, that, there is increase in the value of returned assets in corruption cases in Kenya. This was represented by a mean of 69.84%.

- iii) Do you believe that prosecution of corruption cases is effective enough in addressing the problem of corruption and recovering stolen assets?

Category	Frequency	%
Strongly agree	5	7.94%
Agree	4	6.35%
Not sure	51	80.95%
Disagree	2	3.17%
Strongly disagree	1	1.59%
Total	63	100%

Source: research data (2020)

The study findings clearly show that majority of the respondents were not sure that prosecution of corruption cases in Kenya is effective enough in addressing the problem of corruption and recovering stolen assets. This was represented by a percentage of 80.95%.

#### 4.10 Regression Analyses

Multiple regression analysis was used to test the research questions. This was performed using research data collected and the results interpreted according to the R<sup>2</sup> values and P values P<0.001 and P<0.005 significance level. The variables under study were regressed on corruption and the level of asset recovery. Linear regression test was used to determine multi agencies strategic intervention on corruption and the level of asset recovery in Kenya. If the value of R Square is equal or more than 0.5, then there is strong correlation between respective variables and asset recovery.

##### 4.10.1 Regression analysis between prosecution on corruption and asset recovery in Kenya

The study used linear regression analysis to examine the relationship between prosecution and corruption and asset recovery.

Table 4.9 (i) Model of fit  
(i) Goodness of fit on prosecution

Model	R	R square	Adjusted R Square	Standard Error
1	.758 <sup>a</sup>	.574	.569	.1769

Source: Research data (2020)

The results in Table 4.9 (i) show that adjusted R<sup>2</sup> was .569. This meant that prosecution explained 56.9% of the variations in corruption and asset recovery, leaving 43.1% of the variations to be explained by other variables not fitted in the model.

Table 4.9 (ii) Coefficient of prosecution

	Unstandardized coefficient	Std. error	Standardized Coefficient	T value	Sig.
<b>Model</b>	<b>Beta</b>		<b>Beta</b>		
<b>Constant</b>	2.436	.374		6.518	.000
<b>Prosecution</b>	0.486	.578	0.528	6.320	0.001

*Dependent Variable: corruption and asset recovery  
Predictors: (constant), prosecution*

Source: research data (2020)

Results in Table 4.9 (ii) indicate the model relating to prosecution and corruption and asset recovery. The model had an Adjusted R<sup>2</sup> = 0.569, which meant the model provided a moderate fit. Following the linear regression analysis of prosecution on corruption and asset recovery, the fitted model

was determined as follows: Table 4.9 (ii) results indicate that on evaluating the model prosecution on corruption and asset recovery, the following relationship was derived:

$$Y = 2.436 + 0.528 X_1 \quad (ii)$$

Where;

Y = corruption and asset recovery

X<sub>1</sub> = prosecution

The standardized beta coefficient in the equation above shows that prosecution had a beta value ( $\beta_0$ ) of 0.528. This meant that a unit increase in prosecution would result in a 52.8 percent decrease in corruption and asset recovery. The Regression Model revealed that prosecution was statistically significant at ( $\beta=0.528$ ;  $t= 6.320$ ;  $p= 0.001$ ); thus, at 5 percent level of significance, prosecution had a positive and significant effect on corruption and asset recovery.

#### 4.11 The moderating role of Commitment by Executive Arm of Government

The final objective sought to assess the moderating role of commitment by executive arm of government on the

relationship between multi agencies strategic intervention on corruption and the level of asset recovery in Kenya. In the first model (3.1), multi agencies strategic intervention were regressed on corruption and the level of asset recovery in Kenya. However, in the second model (3.2), level of commitment of the executive arm of the government and the influence of multi agencies strategic intervention was regressed on corruption and the level of asset recovery in Kenya. The regression analysis results are presented in Table 4.10(i).

The results in Table 4.10 (i) show that adjusted  $R^2 = 0.354$ . This implies that Commitment by Executive Arm of Government explains the 35.4% of the variation in corruption and asset recovery in Kenya 64.6 % is explained by variables not fitted in the model.

In addition, the results in Table 4.10 (ii) indicate that the regression model with interaction term is statistically significant at  $F(3, 30) = 7.298$  and  $P = 0.001$ .

Table 4.10 (i) Model of fit on Commitment by Executive Arm of Government

Model	R	R Square	Adjusted R Square	Std Error of estimate	Change R square	statistics			sig f change
						F Change	df 1	df 2	
1	.627	.393	.354	.0424	.393	10.042	2	31	.00
2	.650	.423	.364	.0421	.129	1.491	1	30	.000

Dependent variable: corruption and asset recovery in Kenya  
Predictors: (Constant), multi agencies strategic interventions  
Predictors: (Constant), multi agencies strategic interventions, Commitment by Executive Arm of Government

Source: research data (2020)

Table 4.10 (ii) Analysis of variance statistics

Model		Sum of squares	Df	Mean square	F	Sig (p-value)
1	Regression	0.036	2	0.018	10.042	0.000
	Residual	0.053	61	0.002		
	Total	0.092	63			
2	Regression	0.039	3	0.013	7.298	0.000
	Residue	0.053	60	0.002		
	Total	0.092	63	102		

Source: research data (2020)

Results in Table 4.10 (iii) in Model 3.1 represent interaction between multi agencies strategic intervention and commitment by executive arm of the government. Moreover, the change in coefficient of determination (R change = 0.129, F change = 1.491 and p value = 0.001) reveals that there is significant moderating effect of commitment by executive arm of the government on the relationship between multi agency strategic intervention on corruption and asset recovery.

$$Y = 0.866 + 0.413 X_1 + 0.283 X_5 + \epsilon \quad (3.1)$$

Where:

Y = Corruption and agency Recovery

X<sub>1</sub> = Multi Agencies strategic intervention

X<sub>5</sub> = commitment by executive arm of government

E = error term

In Model 3.1, quality management practices are statistically significant at  $\beta = 0.413$ ,  $t = 2.526$ ;  $p = 0.001$ , suggesting that there is a relationship between Multi agencies strategic interventions on Corruption and asset recovery that could be moderated.

$$Y = 0.857 + 0.235 X_1 + 0.265 X_5 - 0.167 X_1 * X_5 + \epsilon \quad (3.2)$$

Where:

Y = Corruption and agency Recovery

X<sub>1</sub> = Multi Agencies strategic intervention

X<sub>5</sub> = commitment by executive arm of government

E = error term

Table 4.10 (iii) Coefficient of Commitment by Executive Arm of Government on corruption and asset recovery in Kenya.

Model		Unstandardized Coefficients B	std error	Standardized Coefficients Beta	t-value	Sig. (p-value)
1	(Constant)	.866	.0009		8.55	0
	Multi agencies strategic intervention	.254	.01	.413	2.526	.012
	Commitment by Executive Arm of Government	.212	.012	.283	1.65	0
2	(constant)	.757	.002		5.689	0
	Multi agencies strategic intervention	.821	.005	.235	1.256	0
	Commitment by Executive Arm of Government	.0015	.014	.265	1.148	0
	Product of Multi strategic intervention And commitment by executive arm of government	-.008	.0006	-0.167	1.332	.001

Source: research data (2020)

The regression results in Table 4.10 (iii) for model 3.2 reveal that at 5% level of significance, the coefficients are statistically significant, with multi agencies strategic interventions at  $\beta = 0.235$ ;  $t = 1.256$ ;  $p=0.000$ , commitment by executive arm of government at  $\beta =0.265$ ;  $t = 1.148$ ;  $p =0.015$ , and the interaction term at  $\beta = -0.167$ ;  $t= 1.332$ ;  $p = 0.003$ .

## V. SUMMARY, CONCLUSION AND RECOMMENDATION

### 5.1 Summary and Conclusion

The study sought to establish the relationship between prosecution on corruption and the level of asset recovery in Kenya. Accordingly, a detailed conceptual framework was developed and tested empirically, guided by the following objectives: to determine the influence of instituting and undertaking criminal proceedings and the level of asset recovery in Kenya, to assess the effect of directing and suspending investigations and the level of asset recovery in Kenya, to establish the effect of monitoring public prosecutors on corruption and the level of asset recovery in Kenya, to determine the influence of advising on application of criminal law on corruption and the level of asset recovery in Kenya and to establish the moderating effect of executive arm of Government's commitment on the relationship between prosecution on corruption and the level of asset recovery in Kenya.

The study employed descriptive research design, which was cross sectional in nature. Primary data was collected using a structured questionnaire and validated by secondary data. The data were analyzed using descriptive and inferential statistics. Descriptive statistics was used to describe and summarize data. Inferential statistics, particularly regression analysis was used to establish the relationship among the study variables.

The findings indicated that most of the respondents were degree holders. This was an indication that, the respondents showed a clear indication of expertise and qualification in relation to their level of education. The study findings clearly showed that the respondents had, acquainted themselves with information regarding corruption and asset recovery in Kenya, to a great extent. From the regression analysis, it clearly showed that the finding of the study indicated that the composite index of prosecution was significant, and thus all variables had an effect on corruption and asset recovery in Kenya.

The overall objective of the study sought to determine the influence of prosecution on corruption and the level of asset recovery in Kenya. In order to find out the relationship between prosecution on corruption and asset recovery, the Regression Model revealed that prosecution was statistically significant at ( $\beta=0.528$ ;  $t= 6.320$ ;  $p= 0.001$ ); thus, at 5 percent level of significance, prosecution had a positive and significant effect on corruption and asset recovery. The final objective was to assess the moderating effect of executive arm of Government's commitment on the relationship between multi agencies strategic intervention on corruption and the level of asset recovery in Kenya. The findings showed that executive arm of Government's commitment moderated the

relationship between multi agencies strategic interventions on corruption and asset recovery in Kenya. The regression results revealed that at 5% level of significance, the coefficients are statistically significant, with multi agencies strategic interventions at  $\beta = 0.235$ ;  $t = 1.256$ ;  $p=0.000$ , commitment by executive arm of government at  $\beta =0.265$ ;  $t = 1.148$ ;  $p =0.015$ , and the interaction term at  $\beta = -0.167$ ;  $t= 1.332$ ;  $p = 0.003$ .

### 5.2 Recommendation

Successful prosecution of corruption cases is still a difficult endeavor in Kenya. The following are the recommendations by the study to enhance successful prosecution of corruption cases:

First, while there is inherent checks and balance mechanism in Kenya's criminal justice system where the powers to investigate and prosecute corruption offences are separate and do not reside with any one agency, there is need to provide specialized training to staff handling corruption matters in the multi agencies so that there is unison in making decision on whether to drop prosecution or to prosecute a corruption case. In some corruption cases, the responsible agencies have been reading from different scripts.

Second, according to the information the study obtained from one of the respondents, prosecution of corruption cases is sometimes staged in sequential order. Sometimes the receiver is prosecuted first and the giver is the prosecution witness. After the case is over, the giver is prosecuted and the receiver in turn becomes the witness. This can present some challenge especially when there is not much independent evidence apart from what the giver and receiver say about the crime. Therefore, in order to adopt tough stance against both sides of the corruption crime, it is the responsibility of EACC to ensure that it gathers strong evidence on the case so as to be able to prosecute all parties involved.

Third, there are instances where the only evidence EACC has is from the giver and the giver is not willing to testify unless he is given immunity from prosecution. Such immunity needs to be carefully considered, more so if it can lead to recovery of colossal amount of money or asset.

Finally, there may be cases in the public sector where after an investigation there is no evidence of corruption but there is evidence that the public official had infringed some government rule or regulation. In such situations, ODPP or EACC should provide the information to the Public Service Commission or to the officer's Department or Ministry for them to take departmental disciplinary proceedings against said officer.