



**DECENTRALIZATION IN THE OFFICE OF THE DIRECTOR OF PUBLIC
PROSECUTIONS AND ACCESS TO CRIMINAL JUSTICE IN MBARARA REGION,
UGANDA**

BY

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DECLARATION

I do declare that this dissertation submitted for the Degree of Masters in Institutional Leadership and Management is my original work and has never been submitted to any other institution or forum for any award or otherwise.

Signed:

Date:

APPROVAL

This is to certify that this dissertation was done under our supervision and is now ready for examination for the award of a Masters in Institutional Leadership and Management of Uganda Management Institute.

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DEDICATION

I dedicate this piece of work to my family.

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I thank the Almighty God who has blessed me throughout this whole process in particular and in life generally. To God be all the glory and honor. I would like to thank most sincerely my supervisors without whose professional guidance and support this work would not have seen the light of the day.

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TABLE OF CONTENTS

DECLARATION.....	ii
APPROVAL	iii
DEDICATION.....	iv
ACKNOWLEDGEMENTS	v
TABLE OF CONTENTS	vi
LIST OF TABLES	x
LIST OF FIGURES	xi
LIST OF ACROYMNS	xii
ABSTRACT	xiii
CHAPTER ONE	1
INTRODUCTION.....	1
1.1 Introduction	1
1.2 Background to the study	2
1.2.1 Historical Background	2
1.2.2 Theoretical Background	9
1.2.3 Conceptual Background	11
1.2.4 Contextual Background	13
1.3 Problem Statement	15
1.4 Purpose of the Study	16
1.5 Objectives of the Study	16
1.6 Research Questions	16
1.7 Research Hypotheses	17
1.8 Conceptual Framework	17
1.9 Scope of the Study	19
1.9.1 Geographical Scope	19
1.9.2 Content Scope	19

1.9.3 Time Scope	19
1.10 Significance of the Study	20
1.11 Justification of the Study	20
1.12 Operational Definition of key Terms and Concepts	20
CHAPTER TWO	22
LITERATURE REVIEW	22
2.1 Introduction	22
2.2 Theoretical Review	22
2.3 Decentralization and Criminal Justice	23
2.3.1 Devolution of Institutional planning and access to criminal justice	23
2.3.2 Devolution of supervision and monitoring and access to criminal justice	26
2.3.3 Devolution of case management and access to criminal justice	28
CHAPTER THREE	32
METHODOLOGY	32
3.1 Introduction	32
3.2. Research design	32
3.3 Study population	32
3.4. Determination of the Sample size	33
3.5 Sampling techniques and procedures	33
3.5.1 Simple Random Sampling	33
3.5.2 Purposive Sampling	34
3.6. Data collection methods	34
3.6.1 Questionnaire Survey	34
3.6.2 Interview method	34
3.6.3 Documentary review	35

3.7 Data collection instruments.....	35
3.7.2 Self-Administered Questionnaire	35
3.7.2 Interview guide	35
3.7.3 Documentary Check list	36
3.8 Validity and reliability	36
3.8.1 Validity	36
3.8.2. Reliability	36
3.9 Procedure of data collection	38
3.10 Data Analysis	38
3.10.1 Quantitative Data	38
3.10.2 Qualitative Data	39
3.11. Measurements of variables	39
3.12. Ethical Considerations.....	40
CHAPTER FOUR	41
PRESENTATION, ANALYSIS AND INTERPRETATION OF FINDINGS	41
4.1 Introduction	41
4.2. Response rate	41
4.3 Demographic characteristics of respondents	42
4.3.1 Sex of respondents	42
4.3.2 Marital status of respondents	43
4.3.3 Age of respondents	43
4.3.4 Education level of respondents	44
4.4 Empirical Findings as per objectives of the study	45
4.4.1 Access to Criminal Justice	45
4.4.2 Research Question 1: What is the relationship between devolution of planning and Access to Criminal Justice at the ODPP in Mbarara Region?	53

4.4.3 Devolution of supervision in the ODPP and access to criminal justice in Mbarara Region	58
4.4.4 Devolution of case management in the ODPP and access to criminal justice in Mbarara Region	63
CHAPTER FIVE	70
SUMMARY, DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS	70
5.1 Introduction	70
5.2 Summary	70
5.3 Discussion.....	71
5.4 Conclusions	75
5.5 Recommendations	76
5.6 Areas for further research	78
References	80
APPENDIX 1: Questionnaire	85
APPENDIX 2: Interview Guide.....	90
APPENDIX 3: Documentary Checklist	91

LIST OF TABLES

Table 3.1:	Sampling Techniques and Sample Representations of the Study	33
Table 3.2:	Reliability Statistics Results	37
Table 4.1:	Sex of respondents	41
Table 4.4:	Responses from respondents to statements on access to criminal justice	45
Table 4.5:	Views on Devolution of planning	53
Table 4.6:	Correlation Results for devolution of planning and access to criminal justice	56
Table 4.7:	Modal Summary on Devolution of planning	57
Table 4.8:	Analysis of Variance (ANOVA) results	57
Table 4.9:	Views on devolution of supervision	59
Table 4.10:	Correlation Results for devolution of supervision and access to criminal justice	61
Table 4.11:	Modal Summary on devolution of supervision and access to criminal justice	62
Table 4.12:	Analysis of Variance (ANOVA) results	63
Table 4.13:	Views on devolution of case management	64
Table 4.14:	Correlation Results for devolution of case management and access to criminal justice.....	67
Table 4.15:	Modal Summary on devolution of case management and access to criminal justice.....	68
Table 4.16:	Analysis of Variance (ANOVA) results	68

LIST OF FIGURES

Figure 4.1: Marital status of respondents	43
Figure 4.2: Age of the respondents	44
Figure 4.3: Education level of the respondents	44

LIST OF ACRONYMNS

DPP- Director of Public Prosecutions

JLOS- Justice Law and Order Sector

SIP- Strategic Investment Plan

MDAs- Ministries, Departments and Agencies

NDP- National Development Plan

ODPP- Office of the Director of Public Prosecutions

OSIWA- Open Society Initiative for West Africa

RSA- Resident State Attorney

RSP-Resident State Prosecutor

UN- United Nations

UNDP- United Nations Development Program

ABSTRACT

The study investigated the impact of decentralization in the Office of the Director of Public Prosecutions (ODPP) on access to criminal justice in Mbarara Region. Specifically, the study sought to: find out the relationship between devolution of planning in the ODPP and access to criminal justice in Mbarara Region; examine the relationship between devolution of supervision in the ODPP and access to criminal justice in Mbarara Region and; find out relationship between devolution of case management in the ODPP and access to criminal justice in Mbarara Region. The study used a cross-sectional survey research design, adopting both quantitative and qualitative approaches. The researcher used a sample of 129 respondents. Simple random sampling and purposive sampling were used. Methods of data collection were self-administered questionnaires and interviews. Pearson's correlation coefficient was used to determine whether there was linear relationship between decentralization of the functions of the ODPP and access to criminal justice. The findings of the study revealed that devolution of planning, supervision and case management positively affected access to criminal justice in Mbarara Region. This was signified in the drop of public complaints made to headquarters by litigants, availability of free prosecution services closer to the people, improved disposal rate for complaints and perusal of files, timely committal of cases, reduced delays caused by movement of case files between stations and improved monitoring and supervision leading to higher efficiency. However, there was limited consideration of regional needs in the ODPP planning processes and budgeting and low public awareness of the functions of the Office and criminal law. This impedes access to justice. It was concluded that prioritising regional needs during planning, empowering officers to effectively monitor performance of their field staff; and facilitating case and complaints management significantly improves on access to criminal justice in Mbarara Region. The study recommends that to overcome the shortcomings identified, the process of decentralization should be properly planned and public awareness improved.

CHAPTER ONE

INTRODUCTION

1.1 Introduction

Access to justice is of great importance to the rule of law, the enjoyment of fundamental rights and freedoms and the economic development and stability of any country. Uganda is a signatory to several International and Regional Conventions that seek to ensure that its citizens have access to justice regardless of their individual vulnerabilities, poverty levels, gender differences, literacy levels, physical disabilities, societal marginalization etc. As a fulfilment of this obligation, Uganda has established a legal and institutional framework to ensure meaningful access to Justice as without this, there can be no talk of the rule of Law.

The Office of the Director of Public Prosecutions (ODPP) is one of seventeen institutions under the Justice, Law and Order Sector (JLOS) that are mandated to initiate and implement justice sector reforms in order to remove impediments to the delivery of justice (Odoki, 2012). Specifically, the ODPP's contribution to access to criminal justice arises from its Constitutional mandate to advise police investigations and prosecute criminal cases (Article 120, 1995 Constitution). One of the key interventions by the ODPP to improve access to justice has been the rationalized physical deconcentration of its services which has led to an increase in the number of ODPP stations and increased geographical coverage countrywide.

It has however been realized that the physical presence / deconcentration was not necessarily translating into service delivery. This is partly because the operations and management of the ODPP remained heavily centralized, with all the various stations reporting directly to the Headquarters. This applied to all the nine Resident State Attorney (RSA) and Resident State Prosecutor (RSP) stations within Mbarara region which dealt directly with the Headquarters in all aspects, posing a challenge to internal and external customers in terms of access to

justice. This realization led to further decentralization through the devolution of management functions to Regional Offices in 2014.

The study investigated the impact of the decentralization of management functions in the ODPP on access to criminal justice in Uganda, a case study of Mbarara Region. The chapter presents the study background, problem statement, purpose and objectives, research questions, hypotheses, conceptual framework, study justification, scope of the study, significance of the study, and operational definitions of terms and concepts.

1.2 Background to the study

1.2.1 Historical Background

The development of the concept of access to justice is difficult to trace especially because of the different interpretations or meanings ascribed to the term by different jurisdictions and scholars over the development of time. Initial basic definitions excluded criminal justice as a focus (Pinedo, 2001). Access to justice was implied, and at times expressly referred to in international conventions and treaties, subsequently finding its way into national constitutions. For example Article 67(4) of the Treaty on the functioning of the European Union binds the parties to facilitate access to justice, though restricting it to civil matters. General stipulations on legal aid, the right to a fair and public hearing within reasonable time, right to legal representation, the right to information and impartiality of tribunals etc.all have a direct impact on access to justice.

Some scholars point to the development of access to justice internationally in the aftermath of the Second World War with the initiation of legal aid schemes for the poor and indigent (Capeletti and Garth, 1978). This later grew into public interest litigation where there was focus on the enforcement of common rights that affected whole communities and lastly with the use of alternative dispute resolution mechanisms. The final wave in this development

placed emphasis on simplifying the justice system so that ordinary people can understand and make use of it (Capeletti and Garth, 1978).

The UN Secretary-General's 2015 report on the state of crime and criminal justice worldwide informs that people living in low-income countries suffer the biggest threats to their security and well-being. The Criminal Justice System in many of the African countries for a long time has exclusively been an offender oriented process totally forgetting the victim yet in reality the offender and victim are the different facets of the same social reality (Naudé et al., 2006). Therefore in many African countries, the Criminal Justice System is generally understood by the local communities as a foreign and indifferent way of solving interpersonal problematic situations, due to the absence of the victim from the scene (Naudé et al., 2006).

African countries at independence took on their colonial masters legal systems, for example the francophone inquisitorial procedure which refers to the extensive pre-trial investigation and interrogations that are designed to ensure that no innocent person is brought to trial. However, overtime, there was a trend in all these countries to adapt to local societies, local political conditions, and local resources. Unfortunately, it has been done most of the time with no overall penal policy. Accordingly, the key challenge now is to make the criminal systems coherent and functional, such that they really are systems, and not just different agencies dealing with crimes.

There has been agitation for the needed reform in the Criminal Justice System in the region: with a specific shift from “Exclusively Punitive” to “Restorative Justice”, which gives more room to the expectations of the victim and, *mutatis mutandis*, which is often the practise in the local communities (Naudé et al., 2006). Such a shift and the philosophy behind should lead to effective policies of crime prevention and treatment of offenders; effective mainly,

because such policies involve the local communities' members, especially the victim and all other related members of the concerned community (Naudé et al., 2006).

In Uganda, the formal criminal justice system is an inheritance from Britain which colonized Uganda until 1962. The British colonial Administration introduced an Order in Council in 1902, which had the effect of transplanting the British legal system in the Uganda Protectorate. The Governor was by this Order given authority to keep law and Order and administer justice. The Justice system involved a native court system (which applied native law and customs that were not repugnant to the Order) and the crown system of which the Department of Public Prosecutions (as it was known then) was a part. Access for justice for the natives was easier as it was administered locally, employing laws that they knew and accepted.

The concept of access to justice and its link to decentralisation is not a nascent development in the history of this country. The spread of field offices of the ODPP over the years was a reflection of the need to take services closer to the people. Its effect was hampered by the staffing levels and the level of autonomy that the constitution imposed on the institution. In the Uganda Constitution of 1962, the ODPP was created as an independent government body (Article 82). It was at the time referred to as the Directorate of Public Prosecutions. When the Constitution was amended in 1967, the independence of the DPP was removed. The office was placed under the control and direction of the Attorney General in the management of all criminal cases. The Directorate became one of many Departments in the Ministry of Justice. Indeed the 1967 Constitution has been criticized for heavily centralizing administrative powers and severely hindering local institutions as compared to the 1962 Constitution which was viewed as devolving significant powers to them and providing revenues for effective service delivery (Museveni, 1992). This applied to the prosecution service too.

Up until 1995, the prosecutors were mostly concentrated at the Headquarters and sixteen field stations countrywide while the bulk of prosecutions countrywide were relegated to the police. This arrangement was far from effective in taking services closer to the people. Police prosecutors were essentially police officers, whose allegiance was first and foremost to their employer, the Inspector General of Police other than to the Director of Public Prosecutions. The contradiction of police having both an investigative and prosecution function was later frowned upon as offending the basic tenets of fairness and justice. Police officers, needless to say did not have the requisite training and competence. This structural set up severely affected service delivery negatively.

When the 1995 Constitution was promulgated, the DPP's autonomy was restored to make the office immune from any direction or control of any authority or person in as far as the performance of his/her duties is concerned (Article 120 (6) of the Constitution). Police prosecutors were also phased out gradually, while the ODPP trained prosecutors increased in number and now handle over approximately 90% of all prosecutions. The staff numbers have steadily increased and currently stand at six hundred and ninety. This provided a good foundation for decentralization.

In 1995, ODPP had only one Resident State Attorney Office covering the geographical regions of Ankole and Kigezi in western Uganda. It was located in Mbarara. People had to travel long distances to have their cases heard and prosecution services were limited to the existing courts thus hampering access to criminal justice. The qualified and trained prosecutors were few. High Court cases were mostly heard in Mbarara, though the prosecutors would move to handle cases when the Court circuit moved to the field. As more stations were created within the area, e.g. in Kabale, Isingiro, Ibanda, Kiruhura, Sheema, Kisoro there was a slight improvement but still people had to move to Headquarters for complaints on files, or to have their cases reviewed.

Within Mbarara region, the biggest percentage of the population is poor and has limited formal education. Knowledge of criminal laws and procedures is therefore low. At the opening of a Court open day in Mbarara High Court grounds on 22nd June 2017, the Honourable Principal Judge, Yorokamu Bamwine stated that some of the hindrances to access to justice in the area included delays in disposing of matters, failure to appreciate the unique conditions of the people, corruption, failure to fast track cases involving the vulnerable and special groups and public interest cases.

In the settlement camps for refugees in Isingiro District (falling under Mbarara region) in Oruchinga and Nakivale, unique access to justice needs exist. These include language barriers, difficulty in accessing prosecutors and courts, distance of the Courts and ODPP offices from the camps, transport challenges to the courts and ODPP services and fear of stigma. As a result most cases reported to the formal criminal justice system are dismissed for want of prosecution and many other cases remain unreported (Refugee law Project, 2013)

Using the sector wide approach to national planning, the ODPP's interventions in improving access to justice are guided by the National Development agenda and the Justice Law and Order Sector (JLOS) Strategic Investment plans (SIPs). A vital outcome area under SIP 3 of JLOS (2012/13 – 2016/17) is “enhancing access to justice for all particularly for the poor and the vulnerable persons”. A strategic intervention in this outcome area is the rationalized physical deconcentration of JLOS Services, including ODPP services. The JLOS thus identified the critical link between decentralization of services and access to justice, though its approach focuses more on physical deconcentration. Accordingly, in the ODPP SIP 3, (2012/13-2016/17) which is aligned to that of JLOS, it was noted that access to ODPP services for newly created Districts and some hitherto existing ones had been limited therefore an intervention to take ODPP services closer to the people was adopted. Consequently, the office has moved from having 45 stations in the 56 existing districts in

2001; comprising of 26 Resident State Attorney Stations and 19 Resident State Prosecutor stations to 105 field stations comprising of 71 Resident State Attorney Stations and 34 Resident State Prosecutor Stations and 16 regional offices. This represents 86% district coverage as at 2017 (Ministerial Policy Statement 2017/18). Several districts still do not have ODPP presence. The vision of the ODPP is to extend prosecution services to every county in the country to ensure that people no longer have to travel long distances in hard conditions, and incur heavy transport costs in order to access services. This proliferation of offices however, does establish physical structures but if people cannot access the legal processes then the offices may as well be non-existent. Access to justice involves much more than physical presence of offices.

The need to improve access to criminal justice to all led to the devolution of functions in ODPP through the creation in February 2014 of sixteen regional offices located in Nakawa, Lira, Mbale, Kabale, Fort Portal, Kampala, Soroti, Arua, Masaka, Mbarara, Masindi, Mukono, Mubende, Gulu, Mpigi and Jinja. The Regional Officers are mandated to supervise all staff who are posted to the Resident State Prosecutor (RSP) and Resident State Attorney (RSP) stations that fall under their jurisdiction. This devolution of power is in all aspects save for those limited by the law to the Director of Public Prosecutions personally such as withdrawal of cases (Article 120 (4) 1995 Constitution). It was anticipated that the Regional Offices would improve the quality of prosecutions (improved conviction and success rates) and fairness of decisions taken through proper case management and case supervision. This involves closer work supervision, mentoring and coaching of prosecutors in the Region. The Regional Officers were expected to identify their Region's needs and be involved in planning and budgeting for their Regions. These plans are supposed to fit into the institutional and sector plans. They are also supposed to decrease the delays in processing case files and handling complaints.

Decentralization has been on the development agenda in Uganda since the 1980s and 1990s, and reforms in local government became a widespread trend in development (Akin et al., 2005) in this era.

The Decentralization policy adopted by Uganda is an instrument aimed at improving democracy at the local level, efficiency, sustainability, accountability, effectiveness and equity in the provision country wide social services (Bidandi-Ssali, 1993). Since prosecution is a social service, decentralization in that sector has an implication on access to justice. According to the United Nations, the development programs on access to justice have prioritized the “top” e.g. the higher courts however with decentralization the focus must move to lower courts, local and other provincial institutions which can provide solutions that are closer to the ordinary citizen (UNDP, 2003).”

Several challenges remain in ensuring that all citizens in the world can live safely and in societies where the rule of law is respected and promoted. It is important to note the global progress in reducing certain types of crime (such as property crime), while homicidal violence remains higher and is increasing in certain regions and in countries with lower levels of income. Gaps still remain in data quality and availability, and further work is needed to analyse the links between crime, criminal justice and development. Regular monitoring and analysis of crime trends and the operations of criminal justice systems is important for measuring progress in strengthening the rule of law and advancing towards sustainable development (Naudé et al., 2006). Therefore, the study investigated the impact of decentralization of the functions of the ODPP through regionalization, on access to criminal justice in Uganda, taking Mbarara Region as a case study.

1.2.2 Theoretical Background

This study was conducted under the guidance of the Principal-Agent Theory as advocated by Donahue, (1989) in Michaels (2010). This theory assumes that an agency relationship sets in after a principal (e.g. DPP) engages another entity as an agent (e.g. ODPP Regional Officers) to perform a service on their behalf. This requires the delegation of some decision-making authority to the agent and a division of roles that help in promoting efficiency and productivity. According to this theory the agent should take decisions for and in the best interests of the principal but recognizes that the latter may actually have differing goals and interests and even different information levels thus causing a conflict. This has been called the agency problem (Jensen and Meckling, 1976). Because of the fact that the agent usually has an information advantage over the principal further challenges of “moral hazard” and “adverse selection” manifest resulting in the agent not performing as per the terms of reference of the engagement and not devoting the required effort. The principal also assumes that the agent has the skills to perform the task.

The selection of this theory was guided by its relevance and support of the researcher’s argument that effective delegation means that the principal (ODPP Top management) must in fact surrender sufficient powers to the agent, empower the agent through appropriate mechanisms and then put in place measures to monitor and confirm whether the agent is indeed acting in the principal’s best interests. Is the agent taking the right decisions as per the terms of reference of the agency or is he / she shirking their duties? How are they performing in light of the principal’s strategic objectives and mission? Furthermore, when the regional officers are appointed, the ODPP makes assumptions that they have the requisite management, leadership and prosecutorial skills to perform all the devolved responsibilities to the satisfaction of the principal. In reality the picture may be different. The latter must develop incentives to encourage performance and loyalty while limiting conflict.

Since access to justice is a strategic objective of the institution, the decentralization through regionalization must lead to its achievement.

This theory helped the researcher to investigate the impact of decentralization of the functions of the ODPP on access to criminal justice in Uganda and support the researcher's theory that decentralization has not performed as expected because the regional officers have in some instances not been adequately empowered to perform on behalf of the agent. The researcher also suggests that even where the agent has received some empowerment, they often don't fulfil the interests of the principal i.e. do not follow the terms of reference. These shall be construed from adherence to the established "Prosecution performance guidelines and standards 2014" and specific circular instructions issued by the principal.

The second theory is "The theory of Justice" by John Rawls, (1971). This Theory states that in the first instance the principles of what justice is and constitutes must be developed / determined by the individuals within a community. Thereafter, the structure of the institutions of the community must be well ordered and in line with the established principles. They also must guarantee fairness in the distribution of social services/ goods. According to Rawl, fairness is determined by whether each citizen has access to the goods and services that they require. Underlying the theory is the fact that there are social inequities and those social and economic inequalities are to be arranged so that all people can freely access services.

The choice of this theory was guided by its support for the argument that interventions to improve access to criminal justice in Uganda must pay attention to the agreed / determined principles of justice e.g. the observance of fundamental human rights and that institutions must make efforts and structure themselves to address the specific peculiarities of vulnerable groups and their access to justice needs.

The decentralization of service delivery suits the theory in that it acknowledges that people are born into different situations and inequalities, and that the principles of social cooperation must first apply to those. The aim of decentralizing services is to ensure that there's distribution of fairness and equality.

Rawl's theory helped the researcher to demonstrate that decentralization and access to justice are linked and that where the former does not translate into the latter, there should be an investigation into the hindrances and reassessment or recasting of interventions, including the decentralization policy adopted in ODPP.

1.2.3 Conceptual Background

Decentralization can be understood in many ways depending on the level of autonomy and delegation to local administration (MacKinnon, 2010). Various studies hold that the concept is difficult to define; thus, it has many dimensions that encompass the term decentralization.

In a State setting, a decentralized government may include: lower-level government units, regional administrative structures among clusters of local jurisdictions that coordinate with the centre. However, in this study, the focus is on regional structures and administration.

Devolution is taken as a major 'global trend' where power and responsibilities are decentralized by Governments to subordinate regional institutions (MacKinnon, 2010).

Devolution involves a "transfer of power downwards to authorities at immediate or local levels" by the central authority of the state" (MacKinnon, 2010). ODPP devolution of power to different regional offices is characterized by assignment of management functions by the Director of Public Prosecutions and ODPP top management team to Regional Offices.

According to the Ministry of Public Service (2017), the function of Planning focuses on coordinating the planning and budgeting process, vis-a-vis the available activities to be executed and available resources, and is therefore critical in any institution. Execution of this function involves monitoring and evaluation of performance. It also includes research and

innovation. Therefore, there was need to strengthen and build capacity of this function in all Ministries, Department and Agencies (MDAs) to facilitate realization of this role.

As described by Ministry of Public Service (2017), the Monitoring and Supervision role enables the MDAs to track progress on implementation of strategies and programs, against the agreed work plans and targets. Critical to note is that monitoring and evaluation requires continuous research and engagement with other participating institutions and individuals; to obtain productive and relevant feedback to inform the decision making process.

Criminal justice in a broad sense is linked to the processes, norms and conclusions regarding the enactment and enforcement of criminal laws; Criminal justice also includes the determination of the guilt of suspected criminals, plus the allocation and administration of appropriate punishment or sanctions.

Access to justice as a concept is closely related to legal empowerment. Access to justice has gained a lot of attention in development discourses, and has been linked to other human rights such as those related to human development, health, and poverty reduction (UNDP, 2004).

Access to criminal Justice involves the adoption of approaches that are focussed on enabling every person, no matter their location, race, ethnicity, education and wealth etc., to use the criminal justice system to holistically resolve the social/legal challenges emanating from the criminality that they face in their everyday lives (UNDP, 2004).

There are varying definitions of this concept but there is a definite change from looking at it from procedural angle to a more holistic assessment of the entire system of criminal justice (World Bank, 2008). OSIWA (2007) conceptualizes access to justice as including: (i) people being armed with information and knowledge that they can use to demand and access (ii) the effectiveness and accessibility of the state's infrastructure and systems that provide services and (iii) the quality of services.

Access to justice includes the right to participation, improvements to access to legal education, public empowerment, and improved access to institutions (MacDonald, 2005). The

decentralisation of functions in the ODPP in February 2014 through creation of regional offices, was intended to improve access to criminal justice for all. This study established whether this was achieved.

1.2.4 Contextual Background

The Director of Public Prosecutions (DPP) is mandated under Article 120 of the Constitution to prosecute all criminal cases in all courts in Uganda apart from the court martial. The ODPP is structurally divided into two main functional Directorates under the direction of two Deputy Directors responsible for Prosecutions and Quality Assurance and of Management Support Services. Each is controlled by a Deputy Director of Public Prosecutions who reports directly to the DPP. There are four divisions and thirteen departments headed by Officers senior to the Regional Officers. The above form the reporting and supervisory structures over Regional Offices, although the specific responsible department is that of Field Operations. They are responsible for guiding the regional Officers, each in their area of specialty. The latter report to them in the various functional areas including supervision, inspections, planning, budgeting and case management.

In a bid to fulfil its Constitutional mandate the ODPP had been increasing staffing levels from 330 in 2006/07 to 456 as at December 2011. The number is anticipated to exceed 600 by end of 2016 (background to the DPP third Strategic Investment Plan, 2012/13 2016/17). It has spearheaded staff training sessions; encouraged specialization and institutional streamlining in the handling of cases; put in place a bigger geographical coverage of ODPP offices and services throughout Uganda; boosted public support and appreciation towards the ODPP services; as well as networking and coordinating between the institution and other criminal justice delivery institutions.

However staff supervision and monitoring, performance planning and management, institutional planning and budgeting, training and mentoring of staff, complaints management and inspections to ensure adherence to standards were all handled at the Headquarters. Those functions were devolved in February 2014 when management took a decision to decentralize these functions and assigned staff at Senior Management level to handle those functions. This involved devolution of these functions to lower Units from the centre.

Regardless of these interventions, access to justice in Uganda has remained poor and wanting, especially owing to the fact that the managerial, inspection, quality assurance and strategic management capacities of the ODPP are equally overstretched. This poses a big challenge to the Directorate's performance management system and thereby making it ineffective and inefficient at every level of the structure (Ministry of Public service, 2017).

More than two-thirds of trials in the magistrate's Court get delayed or sometimes do not even go ahead. As at September 2017, there was over 51,830 cases backlog awaiting a hearing in the system at magistrate's Court. The system is mainly based on victims and witnesses coming to give evidence, although only 55% of victims and witnesses say they would be prepared to do so again because the services they receive is not good enough.

During the calendar year 2009, a total of 62,723 cases were sanctioned, 15,377 files were closed and a conviction rate of 55% was attained, in 2010, 91,984 files were sanctioned, 23,524 files closed while 18,984 convictions were registered resulting in a conviction rate of 49.1%, 2011 and 2012 the conviction rate was 48.7% and 53.7% respectively but this was below the target of 75% at the time (DPP magazine, 2015). In Mbarara alone, the average conviction rate remains below the said target. These figures signify access to justice challenges.

Therefore, this study investigated the constraints and challenges as it analyses the impact of decentralization of the functions of the ODPP on access to criminal justice in Uganda.

1.3 Problem Statement

Several interventions have been made by the ODPP to achieve efficient and effective handling of criminal cases including staff training and development, carrying out community education programs, increasing staff numbers, improving coordination with other criminal justice stakeholders in JLOS and decentralising management functions in the institution. Such interventions were expected to improve access to justice in terms of better planning for the needs of the people in the region, improved supervision, mentoring and appraisal to ensure efficiency of staff and quality output, reduced stay on remand by faster case disposal, faster resolution of complaints, reduction of costs spent by litigants on getting solutions only from the Headquarters etc. Unfortunately, despite the interventions, the public continues to experience many hindrances to access to justice in Uganda and Mbarara region in particular. According to UBOS (2015), these include corrupt practices in Justice Administration processes including those offered by the ODPP. Hiil(2016) adds that Justice Seekers do not experience fairness in the judicial processes and as a result, people's trust in judicial institutions is low. To further reflect problems with access to criminal justice, the average conviction rate (including Mbarara Region) stood at 61% for the period 2016/17, down from 64% in 2015/16 (Mid- term evaluation report JLOS, 2016), against the target of 70% (Prosecution Performance guidelines and standards 2014). In 2013, backlog of criminal cases in Mbarara was reported by the Court Registrar stood at 550 cases pending trial in the High Court after committal, with 500 on remand therefore causing prison congestion (Didas Muhumuza,2013) . At the opening of the plea bargain initiative in Mbarara in the year 2015, the numbers had soared to 1,000 pending cases (Bamwine Yorokamu, 2014). Such low indicators for poor access to criminal justice have persisted despite a lot of efforts that have been taken to improve the quality of the criminal prosecution service. At the initiation of the decentralisation of management functions, it was anticipated that access to justice would be improved. However it was not known whether there was a relationship between

decentralization of the functions of the Office of the Director of Public Prosecutions and access to criminal justice in Uganda. It was against this background, that this study was rendered necessary in order to properly investigate the impact of decentralization of the functions of the ODPP on access to criminal justice in Uganda.

1.4 Purpose of the Study

The purpose of the study was to investigate the relationship between decentralization of the functions of the office of the Director of Public Prosecutions and access to criminal justice in Mbarara Region.

1.5 Objectives of the Study

The following specific objectives guided this study:

- i. To find out the relationship between devolution of planning and access to criminal justice at the ODPP in Mbarara Region.
- ii. To examine the relationship between devolution of supervision and access to criminal justice at the ODPP in Mbarara Region.
- iii. To find out relationship between devolution of case management and access to criminal justice at the ODPP in Mbarara Region.

1.6 Research Questions

The following research questions guided this study:

- i. What is the relationship between devolution of planning and access to criminal justice at the ODPP in Mbarara Region?
- ii. What is the relationship between devolution of supervision and monitoring and access to criminal justice at the ODPP in Mbarara Region?
- iii. What is relationship between devolution of case management and access to criminal justice at the ODPP in Mbarara Region?

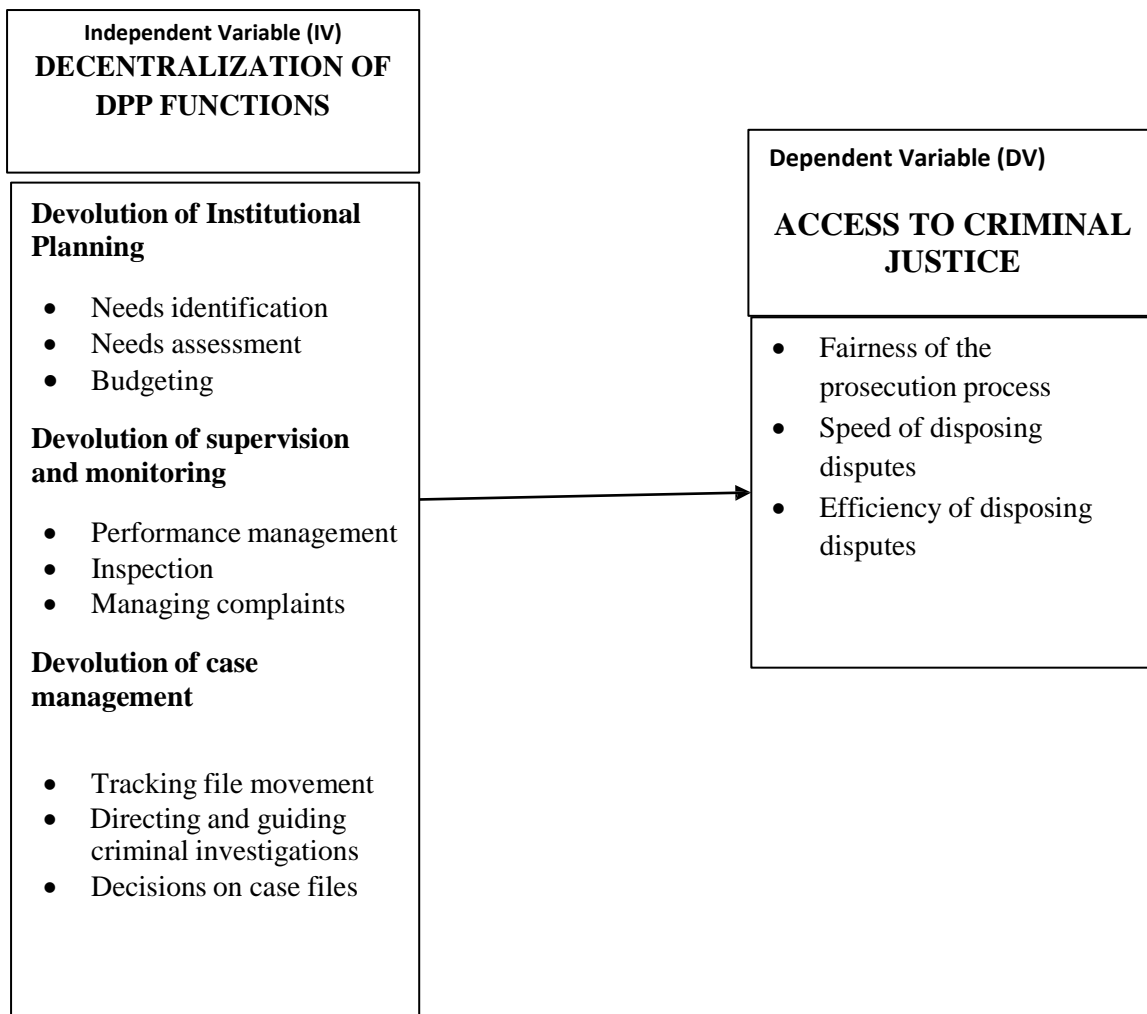
1.7 Research Hypotheses

The following hypotheses guided this study:

- i. There is a positive relationship between devolution of planning and access to criminal justice.
- ii. There is a positive relationship between devolution of supervision and monitoring and access to criminal justice.
- iii. There is a positive relationship between devolution of case management and access to criminal justice.

1.8 Conceptual Framework

The study established whether there is a relationship between decentralization of the functions of the ODPP and access to criminal justice in Mbarara Region. The conceptual framework was based on the model shown in Figure 1.1 below:



Source: *Generated by the Researcher*

Figure 1.1: Relationship between decentralization of management functions of the ODPP and access to criminal justice

Figure 1.1 above shows how the Independent (IV) and Dependent (DV) variables of the study are related. However, this study concentrated on only three dimensions of devolution of planning; devolution of supervision and monitoring, devolution of case management. This study considered access to criminal justice as the dependent variable with numerous indicators that included: fairness of the prosecution process, speed of disposing disputes and efficiency of disposing disputes. Basing upon this conceptual framework, it was perceived that effective devolution of institutional planning, devolution of supervision and monitoring as well as effective devolution of case management to regional offices of the ODPP was

likely to result into improved access to criminal Justice in terms of fairness of the prosecution process, speed of disposing disputes and efficiency of disposing disputes and vice versa.

1.9 Scope of the Study

1.9.1 Geographical Scope

This study was conducted at the Offices of the Director of Public Prosecutions in Mbarara Region in Uganda, East Africa. Mbarara Region covers nine stations of Mbarara, Isingiro, Ibanda, Bushenyi, Sheema, Kiruhura, Mitooma, Ntungamo and Buhweju. The researcher chose this case study because this was the first Regional Office to be operationalized in March 2014 out of the sixteen established. In my view, this set an ideal background upon which a proper research could be carried out to assess impact.

1.9.2 Content Scope

This study was concerned with the impact of decentralization in the ODPP as the independent variable and access to criminal justice as the dependent variable within Mbarara region in Uganda. The researcher mainly concentrated on different functions in the ODPP such as devolution of planning; devolution of supervision and monitoring, devolution of case management and how they affect access to criminal justice in the stated stations.

1.9.3 Time Scope

The study utilized data for 4 years from 2014-2017. This period was preferred because it was within this period when the decentralization took place. Furthermore, during the same period, indicators of access to criminal justice, such as the average conviction rate dropped down from 64% in 2015/16 to 61% in 2016/17 (Mid-term evaluation report JLOS, 2016), against the target of 70% (Prosecution Performance guidelines and standards 2014). It was also enough time to allow a reasonable investigation on policy implementation.

1.10 Significance of the Study

This study will help other researchers in analyzing the relationship between decentralization of the functions of the ODPP and access to criminal justice in Uganda.

It may create knowledge about devolution of planning; devolution of supervision and monitoring, devolution of case management and access to criminal justice in Uganda.

The ODPP could use the findings to improve its performance. Other government institutions under JLOS may use the findings to enhance their performance regarding access to criminal justice. It would add to the existing literature about findings on the variables under study.

The study findings may help managers; employees in public sector to acquire knowledge in regard to the relationship between decentralization of the functions of the ODPP and access to criminal justice and could be reviewed by managers in decision making. Finally, the study adds on the existing body of knowledge about decentralization and access to criminal justice.

The study findings may help or enable the researcher to get an academic ward.

1.11 Justification of the Study

Decentralization, devolution and regionalization of Government functions are a cornerstone of Government Policy (MacKinnon, 2010). The ODPP decentralized/ devolved some of its functions such as planning, monitoring and supervision of service delivery and case management such as complaints handling to the established regional offices/headquarters. However the researcher has not found any study undertaken to evaluate whether the step taken to decentralize ODPP management functions and services impacts on the access to criminal justice by the Uganda population. This study filled this gap.

1.12 Operational Definition of key Terms and Concepts

Devolution of Institutional Planning: was used to refer to the transfer of planning powers and authority to carry out needs identification, needs assessment and participate in budgeting from the ODPP headquarters to the regional offices.

Devolution of supervision and monitoring: was used to refer the transfer of planning powers and authority to carry Performance management, Inspection and managing complaints from the centre to the regional offices.

Devolution of case management: was used to refer the transfer of planning powers and authority to carry tracking file movement and directing and guiding criminal investigations and decisions on case files from the centre to the regional offices.

Access to criminal Justice: was used to refer speed of disposing disputes, efficiency of disposing disputes and fairness of the prosecution process.

Mbarara Region: referred to nine stations of Mbarara, Isingiro, Ibanda, Bushenyi, Sheema, Kiruhura, Mitooma, Ntungamo and Buhweju.

Fairness of the prosecution process: referred to people being armed with information and knowledge of their rights that they can use to demand and access justice. Also includes equal treatment.

Speed of disposing disputes: referred to the time taken by litigants to demand and access justice.

Efficiency of disposing disputes: referred to the cost incurred by litigants to demand and access justice.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The chapter presents a review of existing literature as written down in journals, textbooks, magazines, newspaper articles and the internet, related to decentralization and access to criminal justice. The chapter is structured under the headings of; Introduction, theoretical review, review of related literature and summary of the literature review, highlighting the gaps that were established.

2.2 Theoretical Review

The study was guided by the Principal-Agent theory as advocated by Donahue, (1989) in Michaels (2010). The Principal-Agent theory observes that decentralization of services between the central government and regional departments can be looked at as a principal- agent relationship. The principal (ODPP) devolves power and authority to the agent (DPP regional centres) to perform a task, such as planning, monitoring and supervision as well as case management. The principal-agent problem arises as a result of conflicting ambitions and goals between the principal and agent. In such a relationship, the ODPP's objectives include delivery of criminal justice at the right time, right quality, right source, right quantity and right place (Lee and Dobler, 1971).

The literature shows that many studies utilized the principal-agent theory in provision of services (Tedelis, 2002; Yiu et al., 2002; Ive and Chang, 2007). The literature addresses the issue of risk in how the principal relates with the agent. The risk includes adverse selection, moral hazard, and hold-up. However most authors investigated moral hazard dealing with procurement systems, make-or-buy decisions, supply chain management, and outsourcing (Tedelis, 2002; Yiu et al., 2002; Rosenfeld and Geltner, 1991; Ive and Chang, 2007).

Holt et al., (1995) and Corvellec & Macheridis, (2010) studied the adverse selection problem, the hold-up problem and how it impacted on service quality and performance (Chang and Ive, 2007; Unsal and Taylor, 2010). However, the literature reviewed does not cover the relationship between decentralization and criminal justice, which was central to the research outlined in this study.

The second theory is “The theory of Justice” by John Rawls, (1971). This Theory states that in the first instance the principles of what justice is and constitutes must be developed / determined by the individuals within a community. Thereafter, the structure of the institutions of the community must be well ordered and in line with the established principles. They also must guarantee fairness in the distribution of social services/ goods. According to Rawl, fairness is determined by whether each citizen has access to the goods and services that they require. Underlying the theory is the fact that there are social inequities and those social and economic inequalities are to be arranged so that all people can freely access services.

The choice of this theory was guided by its support for the argument that interventions to improve access to criminal justice in Uganda must pay attention to the agreed / determined principles of justice e.g. the observance of fundamental human rights and that institutions must make efforts and structure themselves to address the specific peculiarities of vulnerable groups and their access to justice needs.

2.3 Decentralization and Criminal Justice

2.3.1 Devolution of Institutional planning and access to criminal justice

Decentralization refers to the transfer of authority over management of public affairs and decision making power from a central level of government to lower government levels. Decentralization promotes accountability, participation of the community in the management and technical efficiency of public resources (Bossert, 2012).

This transfer may involve identification of priorities, management of resources and the making of decisions. Because of the limited resource envelope, efficient planning and efficient financial management are very important in promoting rational prioritization in response to community priorities (Green, 2008).

In Uganda, studies have been carried out to show that bottom up planning (where lower levels are responsible for tackling their own problems using their own resources and refer the complex matters to the higher levels) is a facet of decentralization (Mutabwire, 2001) whose implementation faces several opportunities and challenges. Some of these include the capacity to conduct proper planning within the lower levels, funding challenges and a non-participatory approach. Whereas the author is concerned with decentralization of planning within the local Government structures, his findings are relevant to this study because they explore the challenges which are also applicable within the researcher's topic and offer guidance on whether the Principal (ODPP) has adequately empowered and included the agents (regional offices) in the planning and budgeting functions and offers suggestions for the researcher to look into as constraints within ODPP.

Ahmed et al., (2012) opines that discussions regarding the criminal justice system tend to overlook the role of public prosecutors and yet they play a pivotal role. They make decisions on the initiation or discontinuation of criminal cases, handle prosecutions in courts and may also prosecute appeals. The author emphasizes the need for the prosecutors' "voice" to be heard. Although Ahmed et al., (2012) study is not related to decentralization, it brings out a critical fact that for an effective criminal justice system, the prosecutor must play an effective role and supports the researcher's argument that devolution of planning provides that critical "voice" for access to justice needs to be identified, and to ensure proper planning and resource allocation.

Barriers to access to justice include (i) inadequate legal protection owing to legal gaps and institutional barriers; (ii) the absence of capacity to give justice solutions, obstacles within court systems, and inadequate enforcement; and (iii) the absence of capacity to ask for justice solutions (World Bank, 2008). Ignorance of the law and criminal justice systems and capacity to demand justice makes it difficult for citizens to comply with the law, and identify / select the right mechanisms to enforce their justice rights. They also become susceptible to exploitation and injustice through unfair trials (Harding, et al., 2008). The above studies underscore the need for lower level planning, in identifying the peculiar circumstances and needs of the community. It aids the researcher to analyse these barriers in the Ugandan context. This involved looking at awareness of the ODPP and Regional Officers functions within the Mbarara region and identifying whether planning devolution has led to any improvements.

The prosecutors' decisions impact all people interfacing with the criminal justice system, who are, witnesses, victims or defendants (Harding, et al., 2008). Prosecutors determine whether police and other investigative agencies' work advances and effectively give the workload of the courts of law and in the long run effect on the amount work available for the prisons and probation services. The ODPP greatly contributes towards achieving the aims of the criminal justice system (Harding, et al., 2008; Bossert, 2012; Global Rights, 2011).

The researcher has not encountered any previous study conducted into devolution of planning functions in ODPP and access to justice. The analysis of the literature however suggests that through effective decentralization of the planning function the ODPP can remove barriers to access to justice by looking at the unique requirements and circumstances of their regions. E.g. if access to justice is caused by lack of public awareness of the law and functions of prosecutors, then a strategic intervention on community sensitization programs and funding of similar activities was prioritized. If it is a staffing challenge, then a recruitment plan must

be made and financed. Furthermore, because of the pivotal role played by prosecution services which has been emphasized by all the reviewed authors, it was imperative that the planning function is emphasized at all levels to ensure effective contribution to the criminal justice system and access to justice and proper resource allocation. This study found that there was a positive relationship between devolution of planning in the ODPP and access to criminal justice in Mbarara Region. That where the planning takes into consideration the specific access to justice needs of the local communities within Mbarara Region, these would feed into the institution's plans and budgets, funds would be availed to cater for related activities. The ODPP Regional needs would also be taken into consideration and the officers would be better equipped to identify and plan for those needs through training and inclusion in the institution's planning processes. All these findings were in conformity with the literature.

2.3.2 Devolution of supervision and monitoring and access to criminal justice

One of the biggest impediments to access to justice has been identified as the capacity (or incapacity) of officials at lower levels of local Government to do human rights monitoring or even to ensure that there is implementation of a human rights approach to development (Oloka-Onyango, 2007) The author in this study is concerned with whether decentralization has led to observance and respect for human rights at the local levels of the administration and justice delivery e.g. Local Council Courts (LCC) and finds that there are several attitudinal hindrances, inexperienced and ill trained manpower that have translated into human rights abuses and therefore, lack of access to justice. He emphasizes the need to improve the capacity of the Local leaders to monitor human rights observance. Whereas the author is concerned with access to justice from the Local Council Courts which are currently inoperative, and focuses on human rights his study is relevant to this research. Observance of Human rights is embedded in the terms of reference for regional Officers and indeed all

ODPP staff (DPP Staff Policies and Guidelines, 2000) and has a direct impact on access to justice. He underscores the need for the Regional Officers to monitor the performance of their staff and ensure observance to human rights issues for them to positively contribute to access to criminal justice. His findings and observations are based on the LC Courts but these also may apply to the formal justice system, ODPP inclusive. His study does not address the criminal justice system directly, nor decentralization of ODPP management functions, thus a gap which this study filled.

Public prosecutors identified several challenges that constrain their effectiveness in building and completing cases (Harding, et al., 2008) including availability of relevant data bases, precedents /decisions from courts of record and authorities, location of witnesses and accused persons who may have been released on bond, delays in receiving forensic reports and other test results.

In some criminal justice systems public prosecutors also direct, conduct and some times oversee investigations by police; making sure that victims get assisted, enforce / execute court orders etc. (MacKinnon, 2010).

The above studies, though based on foreign jurisdictions and restricted to the general role of prosecutors, are relevant to the Ugandan situation where public prosecutors are overwhelmed with poor access to resources and relevant data bases that can speed and guide their decisions. This leaves heavy reliance on human resource to inspect and monitor decisions of subordinates and provide guidance. It also requires innovations and solution finding where the obstacles to justice manifest.

Police and the fair administration of justice; staffing levels should reflect these needs (Global Rights, 2011). Whereas Ugandan prosecutors do not visit crime scenes nor participate in autopsies, they are heavily involved in the supervision of police investigations and the non ODPP (delegated prosecutors) in institutions like Uganda Wildlife Authority (Uganda

Wildlife Authority). This study established that there is effective supervision and monitoring of the prosecution function by Regional Officers as no known study has been conducted in that area in Uganda.

Effective monitoring and supervision of staff and of criminal cases (including the investigative processes) has a direct impact on the quality of the output or work done. It also checks attitudinal challenges. Where this function is decentralized, therefore, there should be effective monitoring for compliance and performance, in keeping with established standards. Have the Regional Officers been empowered and facilitated to effectively carry out this function? This study found that there was a strong positive correlation between devolution of supervision in the ODPP and access to criminal justice in Mbarara Region. The Regional Office has sufficient powers to effectively supervise, monitor and appraise staff in order to ensure compliance with standards and effective work. This translates into human rights observance, e.g. sanctioning of case files within 48 hours of receipt to avoid delay in cells for the accused. Errant prosecutors are checked in their conduct and monitored closely to ensure they meet the set standards of work and the code of conduct, the weak prosecutors are mentored and showed how to handle matters the right way. Members of the public who are dissatisfied with the decisions taken by officers of the police or ODPP have a higher office to which to revert to have their grievances addressed, at times without having to travel to Kampala as was previously the case. These findings are in conformity with the literature.

2.3.3 Devolution of case management and access to criminal justice

Good management and governance are essential to effective delivery of services. Public prosecutors contribute immensely to criminal justice since they appear on the side of government as they represent people rather than individual victims (UNDP, 2014). This differs especially in scope from playing as a defence lawyer, who represents the accused zealously within the law.

A public prosecutor plays a role of upholding the rule of law and ethical and professional obligation of ensuring that people accused of crimes receive a fair trial (Global Rights, 2011). In case prosecutors fall short of fulfilling their obligations, miscarriages of justice which may include malicious prosecutions that may result into wrongful convictions which may damage the integrity of the justice system (Global Rights, 2011) occur. This analysis by the authors is true and forms a basis and justification for the need to effectively manage the actual criminal cases although it is not concerned with the Ugandan system or even decentralization.

MacKinnon (2010) opines that prosecutors should not take cases to court which are not supported by evidence so that court's time and resources are not wasted on cases with no reasonable expectation of success.

William (1973) wrote that the prosecutor plays a critical role in considering and attending to the needs of victims of crime. This could be through improving communication and providing timely updates on case stage or progress and in supporting them. William (1973) emphasized that they also champion the rights of victims as well as protect their interests.

The authors above did not address decentralization. Their findings are however relevant in that they emphasize access to justice for victims as a critical pillar. Decentralization of ODPP functions is intended to address this through handling of complaints, protection of the rights of the victim and the community in the handling of cases. The findings guided this study to assess whether circular instructions to engage victims are followed.

The exercise of prosecutorial discretion varies from country to country UNDP (2014). In civil law systems, that discretion is exercised by the Court. In common law system, it is the public prosecutor who makes the decision on whether to prosecute or not, however absence of evidence may be the only basis for declining to prosecute a case.

In all common law systems, the role of prosecution is a discrete function of the ODPP although the magnitude to which it is delegated down to prosecutors may differ (UNDP, 2014; Global Rights, 2011). Prosecutors also make decisions like whether to make recommendations to release a suspect on bail in a detention hearing, or to make a plea offer for a smaller charge than the primary charge, or allow an individual to be channelled to a particular program, even when some issues would require the judiciary to approve in a number of countries (UNDP, 2014; Global Rights, 2011). This study found that there was a strong positive correlation between devolution of case management and access to criminal justice at the ODPP in Mbarara Region. Prosecutors in the region ensure that they meet the necessary tests of viability before cases are taken to court. Through proper case management, the exercise of prosecutorial discretion is checked in order to avoid malicious prosecutions and erroneous decisions that affect the right to access justice. There is however need to strengthen the Regional Office to effectively manage cases, track the movement of case files in order to eliminate delays and lift the conviction rate. Those responsible for crimes must be found guilty and sentenced appropriately. These findings are in conformity with the literature.

2.4 Summary

Whereas the main gap identified through the literature review has been the lack of Ugandan context, it is also noted that the authors dealt with prosecution services in general (as performed by all prosecutors) and did not take into consideration, the decentralization of the management functions. Studies on devolution of planning, supervision and management have not made any link to the variable of access to criminal justice for the public. The scholars did not also address the peculiarities of supervision and monitoring from a prosecutorial perspective nor did they consider the challenges and hindrances to access to criminal justice by decentralization. This study addressed the identified gaps.

The review of related literature showed that limited research had been done concerning decentralization and access to criminal justice. Subsequently, the existing body of knowledge on the same was highly limited. Moreover, there was no conclusive agreement on the impact of decentralization of the functions of the ODPP on access to criminal justice in Uganda yet these services are unanimously considered being critical/pivotal in the determination of whether there's access to criminal justice or not in Uganda. It was this knowledge gap that this study sought to bridge.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

The chapter presents the research procedure that was followed in the study. The chapter covers the introduction, research design, and population of the study, determination of the sample size, and sampling techniques and procedures, data collection methods and instruments, validity and reliability, procedure of data collection, analysis of data and measurement of variables.

3.2. Research design

This study employed a cross sectional design used for a well-defined subject (Saunders et al., 2012, Neuman, 2009). It was based on survey design to gather data from the sample of the study population of a particular time (Amin 2005). In addition, given the limited duration within which the study was conducted, the researcher found the cross sectional design more suitable (Neuman, 2009). Another benefit was that it was more descriptive and cost saving since it enabled the researcher to collect data in a short time from many respondents and the data was collected at the same time. This study employed qualitative and quantitative approaches to allow for triangulation with a view that the former complements the latter (Mugenda and Mugenda, 2003).

3.3 Study population

Mugenda and Mugenda (2003) assert that study population is an entire group of people, elements or objects that have uniform observable traits. The study population was made up of 183 people both male and female taken at different levels of service taking into account the age, education level among others. The population of the study comprised of 1 Director of Public Prosecutions, 2 Deputy Directors of Public Prosecutions, 13 Heads of Department and 81 employees from at least seven (7) Districts of Mbarara Region in which the ODPP operates, 50 litigants and 36 JLOS key stakeholders.

3.4. Determination of the Sample size

The study used the Krejcie & Morgan (1970) statistical table for determining sample size for collection of quantitative data and purposive and convenience sampling to determine and select a sample of respondents to participate in the qualitative data collection.

Table 3.1: Sampling Techniques and Sample Representations of the Study

No	Category	Population	Sample	Sampling Technique
1	The DPP	1	1	Purposive Sampling
2	Deputy DPP	2	2	Purposive Sampling
3	Heads of Departments	13	13	Purposive Sampling
4	DPP staff	81	54	Simple Random Sampling
5	Litigants	50	50	Convenience sampling
6	JLOS key stakeholders (Police, Prisons, Courts, Advocates)	36	9	Purposive sampling
Total		183	129	

Source: Office of the Director of Public Prosecutions Human Resource Database (2017)

3.5 Sampling techniques and procedures

Both random and non-random sampling techniques were used. Among the probability sampling techniques, simple random sampling technique was used; while the purposive sampling technique, a non-probability sampling technique, was used for selection of key informants (The DPP, Deputy DPP, and Heads of Departments). Convenience sampling was used for selection of JLOS key stakeholders).

3.5.1 Simple Random Sampling

Simple random sampling was used in the study to choose respondents from the various departments and the stakeholders. This was the best way for securing very accurate representation of a population. It was also the purest form of probability sampling (Ghauri and Gronhaug, 2005). Simple random sampling was employed in the selection of Employees

of the ODPP in western Uganda as respondents. Here according to Mugenda & Mugenda (1999) each element of the population had an equal and known chance to participate in the study without bias from the target population.

3.5.2 Purposive Sampling

Here the chance that a particular case was selected for the sample depended on the subjective judgment of the researcher. As supported by Amin (2005), purposive sampling was regarded as favourable in selecting key informants who are more knowledgeable with what was going on in their areas of jurisdiction. On that ground, the study employed purposive sampling during the selection of key informants; these comprised the Director of Public Prosecutions, Deputy Directors of Public Prosecutions and Heads of Department. It included some key stakeholders from the JLOS Sector.

3.6. Data collection methods

The study used questionnaire and interview methods to gather information.

3.6.1 Questionnaire Survey

Questionnaire method was used to gather data about the decentralization of the functions of the director of public prosecutions (independent variable) and access to criminal justice (dependent variable) of the study from Employees of the ODPP in western Uganda. The questionnaires offered a great assurance of anonymity and it was easier to collect data on a wide area and the questions were filled at the respondents' convenience thus increasing the chances of getting valid information (Amin, 2005).

3.6.2 Interview method

Interviews involve one on one encounter between the researcher and the respondents in order to obtain accurate and reliable data (Mugenda & Mugenda, 1999). Therefore, the researcher interviewed the Director of Public Prosecutions, Deputy Directors of Public Prosecutions and Heads of Department who were in position to provide the most reliable information. The

interview guide was used by the researcher to provide the in-depth data and also enable respondents to come up with other issues that are of interest to the matter under investigation.

3.6.3 Documentary review

The researcher collected secondary data from documentary review for example reading journals, dissertations, text books among others with an intention of establishing what other scholars wrote about the variables. Documentary review assisted the researcher to reconstruct the study variables and provide an in-depth under study in comparison to the study area.

3.7 Data collection instruments

The study employed three categories of research instruments that is to say self-administered questionnaires, interview guide and check lists.

3.7.2 Self-Administered Questionnaire

Self-administered questionnaires were used to gather data from employees of the Office of the Director of Public Prosecutions in western Uganda. The questionnaire contained both structured and semi structured questions. The study used self-administered questionnaires to help cover a large number of respondents in a relatively short time and this assisted to give reliable data because it was easier to reach many respondents who completed them in at their convenient time without necessarily the research being present (Mugenda & Mugenda, 1999). The questionnaire used a 5- point Likert scale ranging from 5 {strongly agree} to 1 {strongly disagree} in order to give reliable responses.

3.7.2 Interview guide

Interview guide was used for key resourceful persons especially the Director of Public Prosecutions, Deputy Directors of Public Prosecutions and Heads of Department. The interview guide was used as a means to support and check the questionnaire instruments as they gave a chance for probing, hence being able to draw deeper information (Amin, 2005).

The interview guide was applied to collect qualitative data for in-depth analysis of the study. This helped to get data necessary to meet the specific objectives of the study.

3.7.3 Documentary Check list

Documentary evidence regarding the study was reviewed using check lists. The documents included monthly performance reports from all stations within Mbarara region, complaints registers/ files, criminal offense and appeals registers, criminal offense case files among others, JLOS Reports. The use of the check list ensured that all the required information was collected.

3.8 Validity and reliability

3.8.1 Validity

In the study validity was taken into consideration, for example the questionnaire was designed in relation to the researcher's needs on the study topic to determine exactly what the instrument was made to measure. Further still interpretative, descriptive and theoretical validity were established in consideration with the literature reviewed in the study area where the theories and the items in the questionnaire were identified and the theories and themes were supported by the findings. Content validity established the extent to which the contents of questionnaire corresponded to the contents of the theoretical concept the study was designed to measure (Amin, 2005). After the content validity index was computed using a formula where

$$CVI = \frac{32}{35} \times 100 = 91\%$$

35

3.8.2. Reliability

Reliability is the level of consistency an instrument used to measure in study of relationships between variables (Ghauri & Gronhaug, 2005). Reliability of the instrument on the item variables was tested by the use of Cronbach Alpha method provided by (SPSS) Social

Science Computer Program (Foster 1998). The researcher carried out a pilot study of about 5 questionnaires to Police officers and Residents. It is from this data that Cronbach Alpha was computed and the value was above 0.7 to consider the instrument reliable (Amin, 2005). Therefore the level of consistency found in repeated measurements was referred to as reliability (Carmines & Zeller, 1979). The reliability test value was analysed by using Cronbach's Alpha reliability coefficient given by the following formula;

$$\alpha = \frac{n}{n-1} \left(1 - \frac{\sum Vi}{V_{test}} \right)$$

Where;

α = Alpha coefficient

n = Number of items in the instrument

\sum = Summation

V_i = Variance of scores on each item

V_{test} = Total variance of overall scores (not %'s) on the entire test

The credibility and the trustworthiness of the qualitative data collection instruments/methods were ensured through face conformability. This was where the instrument was subjected to experts to check whether it was measuring what it was intended to measure. There's also content conformability where the instrument were signed according to the study constructs and their respective indicators of measurement (Amin, 2005).

Table 3.2 Reliability Statistics Results

	Cronbach's Alpha	Number of Items
Access to criminal Justice	.729	13
Devolution of Planning	.843	7
Devolution of Supervision	.822	7

Devolution of Case management	.763	8
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Source: Primary data

The reliability statistics shown in table 3.2 reflect high reliability coefficients which indicated that all sub categories had been included in their correct proportions (Amin, 2005).

3.9 Procedure of data collection

Upon successful proposal defence, the researcher secured a letter from Uganda Management Institute permitting her to go the field for data collection. The researcher also wrote a letter to the Director of Public Prosecutions seeking for permission to conduct the research. This enabled the researcher to collect data effectively and efficiently. After getting permission arrangements were made with the respondents stating an appropriate time for filling the study questionnaires. During the data collection process unfilled questionnaires were given out to the respondents at the work place and interviews were scheduled with respective respondents, the researcher explained and assisted the participants to clearly understand the aim of the research thus to eliminate suspicion, bias and as well be able to allow independent opinions on the questionnaire to allow error minimization. Finally after some time the researcher collected the answered questionnaires for further analysis.

3.10 Data Analysis

Both quantitative and qualitative data was collected and analyzed

3.10.1 Quantitative Data

Quantitative data was edited, processed and analyzed using statistical package of Social Science Computer Program (SPSS) to come up with frequency counts and percentages. In this analysis collected data was edited and coded using a five point Likert scale measuring from (strongly disagree, disagree slightly, neutral, agree slightly and strongly agree). Coded data was entered in to the computer using SPSS program. The collected data was analyzed for

descriptive statistics, which were frequencies, percentages, mean, mode and median and were presented using graphs, histograms and pie charts and tables. For relational statistics the Pearson's product moment correlation coefficient was used to establish the relationship between variables relating to decentralization of the functions of the ODPP and access to criminal justice. The information of the same category was gathered, analyzed and a research report was written.

3.10.2 Qualitative Data

Qualitative data was analyzed thematically using inductive and deductive reasoning. In order to determine whether the general objective of the study could be achieved or not, crucial questions were put forward to address the issue. Qualitative data was collected using interview guide and secondary documents to measure variables relating to decentralization of the functions of the ODPP and access to criminal justice. Data was collected during the interview for presentation and discussion to complement the quantitative data and to highlight situations clearly for easy dissemination. Content analysis was used to test the authenticity of the information given by the respondents and then descriptive statistics were used where data collected using interview guide was computed for frequency counts, percentages and mean values.

3.11. Measurements of variables

According to Webster (1962), research variables are categorized as independent or dependent. In this study, the researcher had control over the independent variables thus the Dependent variables (access to criminal justice) adjusted or reacted to the state of the independent variable (decentralization of the functions of the office of the Director of Public Prosecutions). An ordinal scale was used to measure the variables. This scale provided for variables which generated responses that were ranked. This study used a five point Likert

scale, where the level of agreement was measured as strongly agree = 5 agree = 4, not sure = 3, disagree = 2, strongly disagree = 1.

3.12 Ethical Considerations

The researcher ensured that Respondents were informed about the purpose of the study before data was secured in order to secure their voluntary consent. No underhand method e.g. lies, intimidation or threats was used to induce or force the participation of the Respondents.

This research was purely for academic purposes. The researcher guarded against unethical aspects through informed consent for the respondents as they were asked to accept or decline verbally, protecting the respondents by assuring them that all responses were kept confidential and this was indicated in the introductory note of the questionnaire. There was no intention of affecting the respondents in a negative way.

The researcher secured all the necessary authorizations and did not ignore / misrepresent any information secured in the study. All care has been taken to acknowledge works by other scholars/ researchers and no attempt made to pass off their information as the researcher's own.

CHAPTER FOUR

PRESENTATION, ANALYSIS AND INTERPRETATION OF FINDINGS

4.1 Introduction

The study set out to investigate the impact of decentralization of the functions of the office of the Director of Public Prosecutions on access to criminal justice in Mbarara Region in Uganda. This chapter presents the rate of response, research findings, analysis and interpretation of findings based on the specific objectives of the study.

4.2. Response rate

Table 4.1 Response rates of the various respondents

Category	Target	Actual	Response rate
Questionnaire	54	45	83%
Interview	75	44	59%
Totals	129	89	69%

Source: Primary Data

The response rate was computed to establish whether it was adequate for the generation of the required data. Out of a sample size of 129 respondents, 89(69%) managed to respond to the questionnaire instrument and interview guide, while 36 respondents, that is, 31% were not in position. This non response may be attributed to factors like failure to get time due to their tight work schedules. According to Amin (2005), a response rate of over 60% in a survey should yield valid findings; therefore a response rate of 69% was adequate to facilitate this study. This data can therefore be relied on to give a framework in which conclusions can be inferred.

4.3 Demographic characteristics of respondents

This section presents the sample characteristics of the respondents such as their gender, marital status, age and educational level.

4.3.1 Sex of respondents

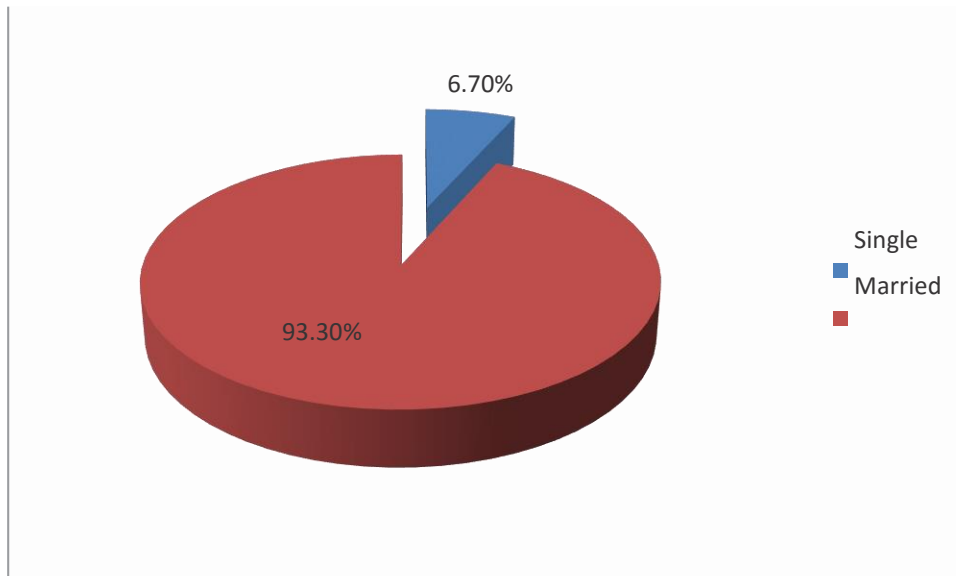
Table 4.1: Showing Sex of respondents

	Frequency	Percent
Male	47	53.3
Female	42	46.7
Total	89	100.0

Source: Primary Data

Table 4.1 shows that the majority of the respondents, 47(53.3%) were male as opposed to females who were 42(46.7%). This shows that generally, the margin between males and females in the office ODPP in Mbarara Region and Headquarters. This means that there was fair representation of the male and female employees in the office ODPP in Mbarara Region and Headquarters who participated in the study. This implies that participation in this study was representative to enable validity of the findings.

4.3.2 Marital status of respondents

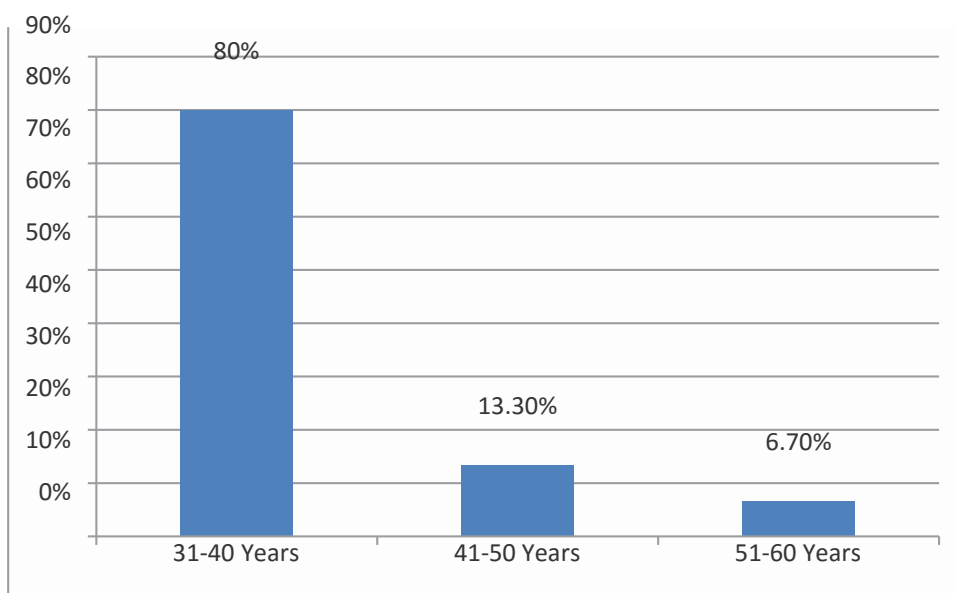


Source: Primary Data

Figure 4.1: Showing marital status of respondents

Figure 4.1 shows that majority 93.3% of the respondents were married while only 6.7% were Single. This suggests that most respondents in the study had families that depended on them.

4.3.3 Age of respondents

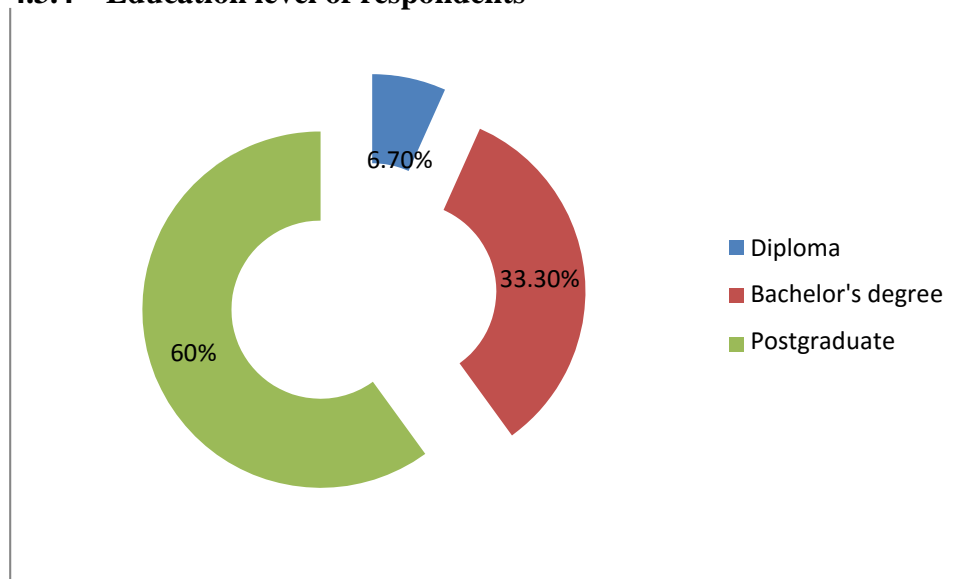


Source: Primary Data

Figure 4.2; Showing Age of the respondents

Figure 4.2 above show that majority of the respondents (80%) were between 31-40 years, followed by 13.3% that were aged 41-50 years; and lastly 6.7% who were age between 51-60 years. This means that there was a fair representation of respondents who participated in the study in terms of age distribution. This implies that the sample was fairly selected since all the age distribution found in the population was captured in the sample to validate the study findings.

4.3.4 Education level of respondents



Source: Primary Data

Figure 4.3; Showing education level of the respondents

Figure 4.3 shows that the majority (60%) of respondents had postgraduate qualifications in terms of level of education, 33.3% had Bachelor's degree qualifications, while only 6.7% of respondents held a diploma as their highest level of education. This means that there was a fair representation of respondents who participated in the study in terms of level of education. Therefore that implies that the sample was fairly selected to validate the study findings.

4.4 Empirical Findings on Decentralization in the Office of the Director of Public Prosecutions and Access to Criminal Justice in Mbarara Region in Uganda

4.4.1 Findings on Access to Criminal Justice in the Office of the Director of Public Prosecutions and Mbarara Region in Uganda

This section explores findings on access to criminal justice which was investigated using nine items. These items focused on cost of access to justice, investigations of criminal cases, time taken in handling of cases and resolution of complaint. Findings on access to criminal justice are presented in Table 4.4 followed by an analysis and interpretation.

Table 4.4: Responses from respondents to statements on access to criminal justice

Statements on access to criminal justice	Percentage Response (%)					Mean	Std dev
	SA	A	NS	D	SD		
Members of the public access prosecution services free of charge in Mbarara Region	67% (30)	33% (15)	0% (0)	0% (0)	0% (0)	4.67	.477
Members of the public receive legal advice relating to criminal law	73% (33)	27% (12)	0% (0)	0% (0)	0% (0)	4.73	.447
Members of the public receive information about ODPP services in Mbarara Region	27% (12)	53% (24)	13% (6)	7% (3)	0% (0)	4.00	.826
The ODPP conducts investigations of criminal cases (prosecution led investigations) within a duration of 120 days on average in Mbarara Region	13% (6)	40% (18)	20% (9)	27% (12)	0% (0)	3.13	1.424
Case files pending a decision to prosecute or not are perused in 30 days in Mbarara Region	46% (21)	40% (18)	0% (0)	7% (3)	7% (3)	4.13	1.160
Case files for within a duration of 2 days on average in Mbarara region	60% (27)	40% (18)	0% (0)	0% (0)	0% (0)	4.60	.495
All Criminal cases in Magistrates Courts are prosecuted within an average of 30 days in Mbarara Region	13% (6)	7% (3)	0% (0)	40% (18)	40% (18)	2.13	1.375
All ODPP staff report for duty from Monday to Friday starting at 8:00pm to 12:45 and 2:00pm to 5:00pm, excluding public holidays in Mbarara Region	40% (18)	47% (21)	7% (3)	0% (0)	7% (3)	4.13	1.036
All files for committal are handled within the statutory 6 months period in Mbarara Region	27% (12)	53% (24)	0% (0)	7% (3)	13% (6)	3.73	1.304

The number of people accessing the complaints desks in Mbarara Region have increased since Regional Office was established	33% (15)	40% (18)	27% (12)	0% (0)	0% (0)	4.07	.780
Victims of crime receive timely information on all case processes once their cases are taken to court, till they are concluded	13% (6)	60% (27)	7% (3)	13% (6)	7% (3)	3.60	1.095
Victims of crime within Mbarara region are informed of the reasons for withdrawal of their cases before the formal withdrawal is made in court	0% (0)	60% (27)	20% (9)	13% (6)	7% (3)	3.33	.953
There are mechanisms in place in Mbarara region to address needs of the vulnerable group (women, children, People with disabilities)	0% (0)	33% (15)	47% (21)	0% (0)	20% (9)	2.93	1.074

Source: Primary Data

Key observations from table 4.4 indicate that majority of the respondents over 60% agreed to the statements such as access to free prosecution services, reception of legal advice relating to criminal law, handling of case files for sanctioning within the established standards; while on the rest of the statements respondents largely agreed though with low numbers. On the measures of central tendency: the mean were largely 4.07 or higher, meaning they were above average except for a few cases. The standard deviations were largely over 1.036 which indicates that respondents were largely had similar ratings on the items regarding access to criminal justice.

Findings from table 4.4 above indicate that all the respondents 45(100%) agreed that members of the public access prosecution services free of charge in Mbarara Region. In agreement a respondent from the police “Key informant 1” interviewed on 21st December 2017 at Isingiro Police Station stated “*All services offered by the office of the Director of Public Prosecutions are rendered to the public free of charge everywhere in Uganda*”. Such a finding implies that a litigant or member of the public with a criminal case would have it perused, prosecuted and concluded without paying for that service. These free services extend to the handling of complaints, calling of police files in order to guide investigations, handling

of appeals etc. The ODPP is mandated to prosecute criminal cases and guide police investigations on behalf of the Government, which pays the staff salaries and facilitates the provision of the services. There are no formal fees officially scheduled to be paid for any of the ODPP Services. This means members of the public access services of the ODPP free of charge in Mbarara Region. This was confirmed by the Respondents interviewed amongst the public and stakeholders. This is likely to result into improved access to criminal justice.

It was established that all 45(100%) respondents agreed that members of the public receive legal advice relating to criminal law. An Advocate in private practise interviewed from Bushenyi Magistrates Court on 20th December 2017 (Key Informant 2) stated that *“Resident State Attorneys peruse case files and always advice the police and the affected members of the public on the direction that must be taken. This includes offering advice to private advocates who pursue cases on behalf of their clients. The RSAs and Regional Officers when asked, explain the decisions taken and can order for review of a file or further investigations when additional information is provided to them. At times in the course of investigations the police may be uncooperative and exclude vital information from the file which may prove the innocent of an accused person. The intervention of the Attorneys through provision of legal advice saves the day in such cases”*In addition, through the complaints handling mechanism the RSAs offer legal advice during physical interfaces with these stakeholders. According to one of the Attorneys who has served as regional Officer of Mbarara, all RSAs in Mbarara Region form part of the District Security Committee and participate in meetings where they also offer advice pertaining to matters of security especially criminal matters. In Isingiro, an award was offered to the ODPP in 2016 for their active participation and role in advising the other agents within the security committee. Some Attorneys serve on Contracts committees and always educate the public when invited at workshops to make presentations. This means

that members of the public receive legal advice relating to criminal law in Mbarara Region. This likely to result into improved access to criminal justice.

The findings further indicated that majority of the respondents 36(80%) agreed that members of the public receive information about ODPP services in Mbarara Region while 3(7%) disagreed with the statement and 6(13%) were not sure. The Regional Officer confirmed that the Regional Office has held public talk shows on radios, participated in open days and distributed information education and communication (IEC) materials to the public. They also hold regular consultative meetings with key stakeholders. From interviews with members of the public interviewed and all the Police officers and JLOS Stakeholders like Defence Lawyers, it was realised that despite these efforts there remains a large publicity/ awareness gap and the ODPP in Mbarara region should improve on publicity of their services so that even people in the remote areas get to know the regional office. The findings showed that information is accessed by those who find themselves with cases and find their way to the ODPP offices but that general provision of information to the ordinary public who do not have cases in the system yet is low. Key Informant No 3, a defence lawyer in private practise interviewed from Mbarara on 21st December 2017 stated that *“the office of the DPP must intensify public relations activities so that they can create awareness for the functions of the ODPP as compared to the police and the Courts. The clients we handle tend to think that it is the police who make the decision to take cases against them to court and can’t distinguish between the different players in the criminal justice system. Those who know of the ODPP are the ones that find themselves with problems and are advised by the police and the lawyers that the ODPP has the powers to intervene or help them solve their problems. For most of the public especially in the remote places like Buhweju, knowledge of the ODPP is almost zero”*. This predicament is likely to result into poor access to criminal justice due to lack of awareness. Indeed out of the members of the public interviewed, majority claimed they did

not know about the functions of the ODPP and had never heard of the office. Interestingly this included the members who were found within the court premises in Bushenyi, Mbarara, Isingiro, Mitooma and Sheema, and had criminal or civil cases ongoing.

The majority of the respondents 24(53%) agreed that the ODPP conducts investigations of criminal cases (prosecution led investigations) within a duration of 120 days on average in Mbarara Region while 12(27%) disagreed and 9(20%) were not sure. The findings show that the ODPP directs investigations of criminal cases, however many respondents still reported that such prosecution led investigations were lacking. This is confirmed by a police officer in Ntungamo interviewed from Ntungamo police station on 22nd December 2018 referred to as Key Informant No 4 who said *“The ODPP avoids leading in the investigations of complicated or complex cases. There are several complex murder cases where we could do with the advice of the DPP’s office from the start of investigations in order to ensure that we get the right evidence which can be admissible and relevant to the court. Instead, we end up losing cases because we get their input late”*. The researcher found no record of prosecution led cases and some state attorneys were not sure of what prosecution led investigations entailed. This calls for better directions from the prosecution division at Headquarters and subsequently from the Regional Officer to field officers. One head of Department (Key informant No 5) interviewed on 2nd January 2018 from the Headquarters in Kampala stated that *“Most specialised departments like Anti-corruption, Land, Gender, Children and sexual offenses conduct prosecution led investigations at the Headquarters and the concept has not been properly rolled to the regional offices yet it is a helpful tool in improving access to justice”*. Such a situation is likely to result into poor access to criminal justice especially in sensitive and complex cases which require proper guidance from the commencement of the investigations.

The study showed that 39(86%) agreed that Case files pending a decision to prosecute or not are perused in 30 days in Mbarara Region, 6(14%) disagreed that Case files pending a decision to prosecute or not are perused in 30 days in Mbarara Region. In agreement Key Informant No 1 interviewed from Isingiro police station on 21st December 2017 said *“Yes case files are perused in time in Mbarara because Resident State Attorneys and ODPP officers now have to account to the region, therefore act professionally. They don’t want to be caught on the wrong side by the boss at the region. Generally cases don’t delay except when there are High Court Sessions and the few available ODPP staff are engaged in prosecuting cases.”* This means that Case files pending a decision to prosecute or not are perused in time. This is likely to result into improved access to criminal justice.

It was also established that all 45(100%) of the respondents agreed with the statement that Case files for Sanctioning are handled within a duration of 2 days on average in Mbarara region. This means that Case files for Sanctioning are handled within duration of 2 days on average in Mbarara region. Criminal Offense register books, receiving and dispatch registers analysed from the RSAs Offices in Mbarara, Isingiro, Ntungamo, Mitooma, Sheema and Bushenyi for the period January to December 2017 confirmed that on average sanctioning of files is within the established prosecution standard of 2 days. This is likely to result into improved access to criminal justice.

The study showed that a few of the respondents 9(20%) agreed with the statement that all Criminal cases in Magistrates Courts are prosecuted within an average of 30 days in Mbarara Region, 36(80%) disagreed. One member of the public interviewed from Mbarara Court on 3rd January 2018 (Key informant No 6) said *“Most cases are concluded slowly like for a period of over two years. Very few are concluded quickly especially assault, theft of cattle. This makes us to give up and the accused to be released when we don’t go to give evidence.”*

This shows that criminal cases in Magistrates Courts are not prosecuted within an average of 30 days. This is likely to negatively affect access to criminal justice in Mbarara region.

The findings indicated that majority of respondents 39(87%) agreed with the statement that ODPP staff report for duty from Monday to Friday starting at 8:00am to 12:45 and 2:00pm to 5:00pm, excluding public holidays in Mbarara Region while 3(7%) disagreed and only 3(7%) remained undecided. This means that ODPP staff in Mbarara region report for duty from Monday to Friday starting at 8:00 am to 12:45 and 2:00pm to 5:00pm, excluding public holidays which is likely to positively impact access to criminal justice in Mbarara region. This was corroborated by the attendance registers at the field stations and the fact that most of the State Attorneys are resident within the region.

Thirty six (80%) of the respondents agreed that all files for committal are handled within the statutory 6 months period in Mbarara Region while 9(20%) disagreed. This means that files for committal are generally handled within the statutory 6 months period in Mbarara Region which is likely to positively impact access to criminal justice in Mbarara region.

The findings indicated that majority of respondents 33(73%) agreed with the statement that the number of people accessing the complaints desks in Mbarara Region have increased since Regional Office was established while 12(27%) remained undecided. This means that more people are accessing the complaints desks in Mbarara Region which implies that access to criminal justice in the region is likely to improve.

The findings indicated that majority of respondents 33(73%) agreed with the statement that Victims of crime receive timely information on all case processes once their cases are taken to court, till they are concluded while 3(7%) disagreed and only 9(20%) were not sure. This means that Victims of crime receive timely information on all case processes in Mbarara Region which implies that access to criminal justice in the region is likely to improve. There

was evidence however, that the State Attorneys faced challenges of sufficient airtime for making phone communications thus hampering information sharing. Others were not aware that they are supposed to provide information to witnesses and victims of crime. The Head of Department for witness protection and victim empowerment stated that they had not properly directed Attorneys on what should be done in this area. This accounts for the noncompliance.

The findings indicated that majority of respondents 27(60%) agreed with the statement that Victims of crime within Mbarara region are informed of the reasons for withdrawal of their cases before the formal withdrawal is made in court while 9(20%) disagreed and only 9(20%) were not sure. This means that Victims of crime within Mbarara region are informed of the reasons for withdrawal of their cases which implies that access to criminal justice in the region is likely to improve.

The findings indicated that minority of respondents 15(33%) agreed with the statement that there are mechanisms in place in Mbarara region to address needs of the vulnerable group (women, children, People with disabilities) while 9(20%) disagreed and only 21(47%) remained undecided. In confirmation, a head of Department (Key Informant 7) interviewed from Headquarters on 3rd January 2018 said *“Children and women are only given due attention in cases related to family matters, however for other criminal cases the vulnerable groups still suffer to attain justice”*. This means that there are no mechanisms in place in Mbarara region to address needs of the vulnerable groups which implies that access to criminal justice in the region is likely to be inhibited. It was for example established that refugees in Mbarara region, specifically Isingiro District have serious challenges of access to justice. The RSA of Isingiro stated that the refugees in Nakivale and Oruchinga have unique challenges including language barriers, poor legal knowledge and transport challenges making it difficult for them to access justice. The cases in that category are mostly dismissed and perpetrators of crimes set free.

4.4.2 Research Question 1: What is the relationship between devolution of planning and Access to Criminal Justice at the ODPP in Mbarara Region?

The views of the respondents were rated on a 5-likert scale as Strongly Agree 5, Agree 4, Not sure 3, Disagree 2 and strongly disagree 1. In this study, Strongly Agree and Agree were taken to mean Agree and strongly disagree and disagree were taken to mean Disagree. Mean and Standard deviation were also used to analyse the data. The results were presented in Table 4.5.

Table 4.5: Views on Devolution of planning

Statements on Devolution of planning	Percentage Response (%)					Mean	Std dev
	SA	A	UD	D	SD		
Planning in the ODPP for the field offices is done at regional level	0% (0)	27% (12)	20% (9)	27% (12)	27% (12)	2.47	1.160
While planning, the real needs at the field offices are given priority	0% (0)	13% (6)	13% (6)	20% (9)	53% (24)	1.87	1.100
The heads of the field ODPP offices have the ability to make input into priority setting at the regional level	0% (0)	33% (15)	33% (15)	13% (6)	20% (9)	2.80	1.120
Prosecutor's views are considered during the planning process at the regional level	0% (0)	13% (6)	33% (15)	33% (15)	20% (9)	2.40	.963
Views and suggestions from the regional offices are considered in the ODPP planning process	7% (3)	27% (12)	47% (21)	7% (3)	13% (6)	3.07	1.074
The ODPP plans meet expectations of the community in western Uganda	7% (3)	33% (15)	33% (15)	13% (6)	13% (6)	3.07	1.136
The ROs and RSAs and RSPs have sufficient knowledge about planning to contribute to the ODPP Plan	7% (3)	27% (12)	20% (9)	27% (12)	20% (9)	2.73	1.250

Source: Primary Data

Key observations from table 4.4 indicate that majority of the respondents over 60% disagreed with the statements on devolution of planning of the ODPP functions to field offices. On the measures of central tendency: the mean were largely 3.07 or lower, meaning they were below average except for a few cases. The standard deviations were largely over 1.074 which

indicates that respondents were largely had similar ratings on the items regarding devolution of planning of the ODPP functions to field offices.

Findings from the table 4.5 above indicate that majority of the respondents 12(27%) agreed that planning in the ODPP for the field offices is done at regional level while 24(53%) disagreed and only 9(20%) were not sure. This means that Planning in the ODPP for the field offices is not done at regional level which is likely to negatively affect access to criminal justice by members of the public in Mbarara region.

It was established that 6(13%) agreed that while planning the real needs at the field offices are given priority yet 33(73%) disagreed with the statement and 6(13%) remained undecided. This means that while planning the real needs at the field offices are not given priority at regional level which is likely to negatively affect access to criminal justice by members of the public in Mbarara region. Key Informant 8 interviewed from Mbarara Police station on 21.12.2017 stated *“It is only the people on the ground who know and understand the challenges that they face and which they need to adequately plan and budget for. Plans which are made without taking those unique issues into consideration will not help the local people to access justice”*

The findings further indicated that a few of the respondents 15(33%) agreed that the heads of the field ODPP offices have the ability to make input into priority setting at the regional level while 15(33%) disagreed to the statement and 15(33%) were not sure. This indicates that majority of the heads of the field ODPP offices have the ability. One State Attorney interviewed said *“They usually only ask us what our needs are in terms of furniture e.g. cabinets, chairs and tables and office equipment e.g. computers, printers and photocopiers”*. This means that the capacity of the State Attorneys to plan needs to be improved.

The majority of the respondents 6(13%) agreed that Prosecutor's views are considered during the planning process at the regional level while 24(53%) disagreed and 15(33%) remained not sure. This means that Prosecutor's views are not considered during the planning process at the regional level which is likely to negatively affect access to criminal justice by members of the public in Mbarara region.

The study showed that 15(33%) agreed that views and suggestions from the regional offices are considered in the ODPP planning process, 9(20%) disagreed to the statement, while 21(47%) remained undecided. This means that views and suggestions from the regional offices are not considered in the ODPP planning process which is likely to negatively affect access to criminal justice by members of the public in Mbarara region.

It was also established that 18(40%) of the respondents agreed with the statement that the ODPP plans meet expectations of the community in western Uganda while 12(27%) disagreed that the ODPP plans meet expectations of the community in western Uganda and 15(33%) were not sure. This means that the ODPP plans do not meet expectations of the community in western Uganda which is likely to negatively affect access to criminal justice by members of the public in Mbarara region.

The study showed that majority of the respondents 15(33%) agreed with the statement that the ROs and RSAs and RSPs have sufficient knowledge about planning to contribute to the ODPP Plan, 21(47%) disagreed with the statement while 9(20%) were undecided.

Correlation between devolution of planning and access to criminal justice

There was need to establish whether there was a correlation between devolution of planning and access to criminal justice at the ODPP in Mbarara Region. The analysis was done using Pearson product moment correlation coefficient. The results were presented in Table 4.6.

Table 4.6: Correlation Results for devolution of planning and access to criminal justice

		Access to criminal justice	Devolution of planning
Access to criminal justice	Pearson Correlation	1	.514**
	Sig. (2-tailed)		.000
	N	45	45
Devolution of planning	Pearson Correlation	.514**	1
	Sig. (2-tailed)	.000	
	N	45	45
**. Correlation is significant at the 0.05 level (2-tailed).			

Source: Primary data

Table 4.6 above shows a positive correlation between devolution of planning and access to criminal justice at the ODPP in Mbarara Region. ($r=.514^{**}$ $p < 0.05$). This means that Planning in the ODPP field offices at regional level; giving needs at field offices priority during planning, building capacity of ODPP field offices to make input and considering views and suggestions from regional offices during the planning process, other factors remaining constant, is likely to improve on access to criminal justice by 51.4%. However, this analysis is not conclusive, thus the need to test the hypothesis further.

Testing Hypothesis

Null hypothesis (H₀)

H₀: There is no significant relationship between devolution of planning and access to criminal justice.

Alternative hypothesis

HA: Devolution of planning positively affects access to criminal justice.

α = Level of significance, $\alpha = 0.05$

Test is done using coefficient of determination. The result is presented in Table 4.7

Table 4.7 Modal Summary on Devolution of planning

Model	R	R Square	Adjusted Square	R	Std. Error of the Estimate
1	.514 ^a	.265	.247		.42123
a. Predictors: (Constant), Devolution of planning					

Source: Primary Data

Table 4.7 shows that 0.247 or 24.7% of the variation in access to criminal justice at the ODPP in Mbarara Region is a result of changes in devolution of planning. However, the testing is not conclusive thus the need to run Analysis of variance (ANOVA), as presented in Table 4.8

Table 4.8 Analysis of Variance (ANOVA) results

ANOVA ^a						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	2.744	1	2.744	15.466	.000 ^b
	Residual	7.630	43	.177		
	Total	10.374	44			
a. Dependent Variable: Access to criminal justice						
b. Predictors: (Constant), Devolution of planning						
Source: Primary data						

Table 4.8 shows that the relationship between Devolution of planning and Access to criminal justice was significant (Sig. = 0.000, $P = .000 < 0.05$, $F = 15.466$). This meant that the model is significant and that the direction of the variable is as expected because its significance value is below 0.05. This led to the acceptance of the alternative hypothesis which states that there

is a positive significant relationship between Devolution of planning and access to criminal justice at the ODPP in Mbarara Region.

4.4.3 Research Question 2: What is the relationship between devolution of supervision and access to criminal justice at the ODPP in Mbarara Region?

The views of the respondents were rated on a 5-likert scale as Strongly Agree 5, Agree 4, Not sure 3, Disagree 2 and strongly disagree 1. In the presentation of the study results, Strongly Agree and Agree were taken to mean Agree and strongly disagree and disagree were taken to mean Disagree. Mean and Standard deviation were also used to analyze the data. The results were presented in Table 4.9.

Table 4.9: Views on devolution of supervision

Statements on devolution of supervision	Percentage Response (%)					Mean	Std dev
	SA	A	N	D	SD		
The ODPP regional offices exercise full power at evaluating performance of prosecutors	40% (18)	46% (21)	7% (3)	7% (3)	0% (0)	4.20	.842
The ODPP regional offices effectively appraise the performance of field officers	47% (21)	33% (15)	13% (6)	7% (3)	0% (0)	4.20	.919
The ODPP Regional Offices effectively inspect the operations of the field offices	13% (6)	33% (15)	13% (6)	20% (9)	20% (9)	3.00	1.382
The ODPP regional offices effectively inspect the operations of individual prosecutors	38% (17)	29% (13)	13% (6)	7% (3)	13% (6)	3.71	1.392
The ODPP regional offices receive complaints from the public in Mbarara Region	67% (30)	20% (9)	13% (6)	0% (0)	0% (0)	4.53	.726
The ODPP regional offices respond to complaints from the public in Mbarara Region within two days	13% (6)	33% (15)	40% (18)	13% (6)	0% (0)	3.47	.894
The ODPP regional offices satisfactorily provide solutions to majority of complaints raised by the public in western Uganda	20% (9)	53% (24)	27% (12)	0% (0)	0% (0)	3.93	.688

Source: Primary Data

Key observations from table 4.9, indicate that a few of the respondents over 60% agreed to the statements on devolution of supervision of field offices; while on the rest of the statement

respondents largely agreed though with a low majority. On the measures of central tendency: the mean were largely 4.07 or higher, meaning they were above average except for a few cases. The standard deviations were largely lower than .0919 which indicates that respondents were largely consistent in responding to the items regarding devolution of supervision of field offices.

Findings from the table 4.9 above indicate that most of the respondents 39(86%) agreed that the ODPP regional offices exercise full power at evaluating performance of prosecutors, while 3(7%) disagreed and only 3(7%) were undecided. Key Informant No 1 from Isingiro Police said “*Especially in Mbarara, there is a positive change in the performance of prosecutors due close supervision by the Regional office in Mbarara*”. This means that regional offices exercise full power at evaluating performance of prosecutors which is likely to positively impact access to criminal justice in the region.

It was established that 36(80%) agreed that the ODPP regional offices effectively appraise the performance of field officers, yet 3(7%) disagreed with the statement and 6(13%) remained undecided. This shows that ODPP regional offices effectively appraise the performance of field officers which is likely to positively impact access to criminal justice in the region.

The findings further indicated that 21(47%) of the respondents agreed that the ODPP Regional Offices effectively inspect the operations of the field offices while 18(40%) disagreed with the statement and 6(13%) were not sure. A Prison’s officer interviewed from Bushenyi Court on 20th December 2017 (Key Informant No 9) said “*I have never met or seen the RO carrying out an inspection of the field offices but I think it would be better if he did come to the ground*” This shows that the ODPP Regional Offices does not effectively inspect the operations of the field offices which is likely to negatively affect access to criminal justice in the region.

However, the majority of the respondents 30(67%) agreed that the ODPP regional offices effectively inspect the operations of individual prosecutors while 9(20%) disagreed and 6(13%) were not sure. This shows that the ODPP regional offices effectively inspect the operations of individual prosecutors. Therefore this is likely to positively affect access to criminal justice in the region.

It was also established that 39(87%) of the respondents agreed with the statement that the ODPP regional offices receive complaints from the public in Mbarara Region, while 6(13%) were undecided. One JLOS stakeholder in the District Administration Office interviewed from Mbarara on 23.12.2017 (key informant 10) said *“Now that the Regional office receives complaints that were formally filed at the headquarters, the resolution of such complaints by the RO, has kept the RSA’S office in check”*. Analysis of the complaints files / register at the regional Office showed that the number of complaints received has been on the rise from 241 in 2015 to 324 in 2017 while complaints received at the Headquarters from Mbarara region declined to 11 in 2015 and 24 in 2017. This shows that the ODPP regional offices receive complaints from the public in Mbarara Region and this is likely to positively affect access to criminal justice in the region.

The study showed that 21(47%) of the respondents agreed with the statement that the ODPP regional offices respond to complaints from the public in Mbarara Region within two days, 6(13%) disagreed with the statement while 18(40%) were not sure. This indicates that the ODPP regional offices do not respond to complaints from the public in Mbarara Region within two days. This is likely result into poor access to criminal justice by members of the public. Key Informant 2 from Bushenyi stated that *“the fact that there is only one officer working at regional level makes it hard for her to comply with timelines. There should be a minimum of five officers at the region so that when one is in court another can handle complaints in time”*.

The findings indicated that majority of respondents 33(73%) agreed

with the statement that the ODPP regional offices satisfactorily provide solutions to majority of complaints raised by the public in western Uganda while only 12(27%) were not sure. This implies that the ODPP regional offices satisfactorily provide solutions to majority of complaints raised by the public. This is likely result into improved access to criminal justice by members of the public.

Correlation between devolution of supervision and access to criminal justice

There was need to establish whether there was a correlation between devolution of supervision and access to criminal justice. The analysis was done using Pearson product moment correlation coefficient. The results were presented in Table 4.10

Table 4.10: Correlation Results for devolution of supervision and access to criminal justice

		Access to criminal justice	Devolution of supervision
Access to criminal justice	Pearson Correlation	1	.696**
	Sig. (2-tailed)		.000
	N	45	45
Devolution of supervision	Pearson Correlation	.696**	1
	Sig. (2-tailed)	.000	
	N	45	45
**. Correlation is significant at the 0.05 level (2-tailed).			

Source: Primary data

Table 4.10 above shows a strong positive correlation between devolution of supervision and access to criminal justice at the ODPP in Mbarara Region. ($r=.696^{**}$ $p < 0.05$). This means that enabling ODPP regional offices to exercise full power; allowing ODPP regional offices to appraise the performance of field officers, effective inspection of the operations of the field offices, and ensuring that ODPP regional offices receive and respond to complaints from the

public, other factors remaining constant, is likely to improve on access to criminal justice by 69.6%. However, the researcher needed to test the hypothesis further in order to confirm the correlation finding.

Testing Hypothesis

Null hypothesis (Ho)

H0: There is no significant relationship between devolution of supervision and access to criminal justice.

Alternative hypothesis

HA: Devolution of supervision positively affects access to criminal justice.

α = Level of significance, $\alpha = 0.05$

Test is done using coefficient of determination. The result is presented in Table 4.11

Table 4.11: Modal Summary on devolution of supervision and access to criminal justice

Model	R	R Square	Adjusted R Square	R	Std. Error of the Estimate
1	.696 ^a	.485	.473		.35253
a. Predictors: (Constant), Devolution of supervision					

Source: Primary Data

Table 4.11 shows that 0.473 (adjusted R Square) or 47.3% of the variation in access to criminal justice is a result of changes in devolution of supervision. Further, the researcher computed the Analysis of Variance (ANOVA) results, so as to ascertain whether there was a relationship between devolution of supervision and access to criminal justice, as presented in Table 4.12.

Table 4.12 Analysis of Variance (ANOVA) results

ANOVA ^a						
Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	5.030	1	5.030	40.475	.000 ^b
	Residual	5.344	43	.124		
	Total	10.374	44			
a. Dependent Variable: Access to criminal justice						
b. Predictors: (Constant), Devolution of supervision						

Source: Primary data

Table 4.12 shows that the relationship between devolution of supervision and access to criminal justice was significant (Sig. = 0.000, P = .000 < 0.05, F = 40.475). This meant that the model is significant and that the direction of the variable is as expected because its significance value is below 0.05. This led to the acceptance of the alternative hypothesis which states that there is a positive significant relationship between devolution of supervision and access to criminal justice at the ODPP in Mbarara Region.

4.4.4 Research Question 3: What is the relationship between devolution of case management and access to criminal justice at the ODPP in Mbarara Region?

The purpose of this objective was to find out the relationship between devolution of case management and access to criminal justice at the ODPP in Mbarara Region. The views of the respondents were rated on a 5-likert scale as Strongly Agree 5, Agree 4, Not sure 3, Disagree 2 and strongly disagree 1. In this study, Strongly Agree and Agree were taken to mean Agree and strongly disagree and disagree were taken to mean Disagree. Mean and Standard deviation were also used to analyse the data. The results were presented in Table 4.13.

Table 4.13: Views on devolution of case management

Statements on devolution of case management	Percentage Response (%)					Mean	Std dev
	SA	A	UD	D	SD		
The ODPP regional offices are effective at tracking case files from the ODPP field offices	40% (18)	27% (12)	27% (12)	7% (3)	0% (0)	4.00	.977
The ODPP regional offices exercise full powers at tracking case files from Headquarters	7% (3)	47% (21)	33% (15)	0% (0)	13% (6)	3.33	1.087
The ODPP regional offices exercise full powers at making decision on case files in western Uganda without forwarding them to headquarters	27% (12)	53% (24)	13% (6)	0% (0)	7% (3)	3.93	1.009
The ODPP regional offices make final decisions on prosecution led investigations in western Uganda without forwarding them to headquarters	13% (6)	27% (12)	33% (15)	13% (6)	13% (6)	3.13	1.217
The ODPP Regional Offices Effectively coordinate and handle the cases at the High Court in Mbarara region	60% (27)	40% (18)	0% (0)	0% (0)	0% (0)	4.60	.495
The ODPP Regional Offices effectively coordinate and handle criminal Appeals and miscellaneous applications within Mbarara region	53% (24)	13% (6)	33% (15)	0% (0)	0% (0)	4.20	.919
The ODPP Regional Offices effectively coordinates all Appeals and Miscellaneous applications before the High Court	53% (24)	20% (9)	12% (27)	0% (0)	0% (0)	4.27	.863
The ODPP Regional Offices provide sufficient mentoring and coaching to field officers in the handling of court cases within Mbarara region	13% (6)	47% (21)	7% (3)	20% (9)	13% (6)	3.27	1.304

Source: Primary Data

Key observations from table 4.13, indicate that a few of the respondents over 60% agreed to the statements on devolution of case management; while on the rest of the statement respondents largely agreed though with a low majority. On the measures of central tendency: the mean were largely 3.03 or higher, meaning they were above average except for a few cases. The standard deviations were largely higher than .977 which indicates that respondents were largely had similar ratings on the items regarding devolution of case management.

Findings from the table 4.13 above indicate that majority of the respondents 30(67%) agreed that the ODPP regional offices are effective at tracking case files from the ODPP field offices while 3(13%) disagreed and 12(27%) were not sure. It was established that 24(54%) agreed that the ODPP regional offices exercise full powers at tracking case files from Headquarters yet 6(13%) disagreed with the statement and 15(33%) remained undecided. A Prisons officer interviewed from Mbarara Court on 20.12.2017 (Key Informant No 11) said “ *Yes case management has improved, because case are moving although there are still some delays that make inmates on remand to suffer and can’t access justice easily*”. Such a finding implies that there are still some delays in case management which is likely to curtail the process of access to justice. However, on the overall, the findings show that ODPP regional offices have improved tracking case files from the ODPP field offices which is likely to result into improved access to criminal justice.

The findings further indicated that 36(80%) of the respondents agreed that the ODPP regional offices exercise full powers at making decision on case files in western Uganda without forwarding them to headquarters while 3(7%) disagreed with the statement and 6(13%) were not sure. This shows that ODPP regional offices exercise full powers at making decision on case files which is likely to result into improved access to criminal justice.

The majority of the respondents 18(40%) agreed that the ODPP regional offices make final decisions on prosecution led investigations in western Uganda without forwarding them to headquarters while 12(27%) disagreed and 15(33%) remained undecided. This shows that the ODPP regional offices don’t make final decisions on prosecution led investigations which is likely to result into slowing the process of accessing criminal justice by the public.

The study showed that all 45(100%) of respondents agreed that the ODPP Regional Offices effectively coordinate and handle the cases at the High Court in Mbarara region. This shows

that the ODPP Regional Offices effectively coordinate and handle the cases at the High Court in Mbarara region which is likely to result into speeding up the process of accessing criminal justice by the public through quality and expeditious prosecutions.

It was also established that 30(67%) of the respondents agreed that the ODPP Regional Offices effectively coordinate and handle criminal Appeals and miscellaneous applications within Mbarara region while 15(33%) were not sure. This shows that the ODPP Regional Offices effectively coordinate and handle criminal Appeals and miscellaneous applications within Mbarara region which is likely to result into speeding up the process of accessing criminal justice by the public.

The study showed that majority of the respondents 33(73%) agreed with the statement that the ODPP Regional Offices effectively coordinates all Appeals and Miscellaneous applications before the High Court, while 12(27%) were not sure. This shows that the ODPP Regional Offices effectively coordinates all Appeals and Miscellaneous applications before the High Court which is likely to result into speeding up the process of accessing criminal justice by the public.

The study showed that majority of the respondents 27(60%) agreed with the statement that the ODPP Regional Offices provide sufficient mentoring and coaching to field officers in the handling of court cases within Mbarara region, 15(33%) disagreed with the statement while 3(7%) were undecided. This shows that the ODPP Regional Offices provide sufficient mentoring and coaching to field officers in the handling of court cases within Mbarara region which is likely to result into speeding up the process of accessing criminal justice by the public.

Correlation between devolution of case management and access to criminal justice

There was need to establish whether there was a correlation between devolution of case management and access to criminal justice. The analysis was done using Pearson product moment correlation coefficient. The results were presented in Table 4.14.

Table 4.14: Correlation Results for devolution of case management and access to criminal justice

		Access to criminal justice	Devolution of case management
Access to criminal justice	Pearson Correlation	1	.508**
	Sig. (2-tailed)		.000
	N	45	45
Devolution of case management	Pearson Correlation	.508**	1
	Sig. (2-tailed)	.000	
	N	45	45
**. Correlation is significant at the 0.05 level (2-tailed).			

Source: Primary data

Table 4.14 above shows a moderate significant positive correlation between devolution of case management and access to criminal justice at the ODPP in Mbarara Region ($r=.508^{**}$ $p < 0.05$). This means that building capacity of ODPP regional offices in tracking case files; giving the ODPP regional offices full powers in managing cases from field offices, allowing the ODPP regional offices to make final decisions on prosecution led investigations, and ODPP regional offices providing sufficient mentoring and coaching to field officers in the handling of court cases, other factors remaining constant is not likely to significantly improve on access to criminal justice. In order to test the hypothesis further, regression modal summary results were computed, as illustrated in Table 4.14.

Testing Hypothesis

Null hypothesis (Ho)

H0: There is no relationship between devolution of case management and access to criminal justice.

Alternative hypothesis

HA: Devolution of case management positively affects access to criminal justice.

α = Level of significance, $\alpha = 0.05$

Test is done using coefficient of determination. The result is presented in Table 4.15

Table 4.15 Modal Summary on devolution of case management and access to criminal justice

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.508 ^a	.258	.240	.42321
a. Predictors: (Constant), Devolution of case management				

Source: Primary Data

Table 4.15 shows that 24.0% of the variation in access to criminal justice is a result of changes in devolution of case management. This indicates a very significant effect. Further analysis was done by computing the Analysis of Variance (ANOVA) as presented in Table 4.16.

Table 4.16 Analysis of Variance (ANOVA) results

ANOVA ^a						
Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	2.672	1	2.672	14.920	.000 ^b
	Residual	7.702	43	.179		
	Total	10.374	44			
a. Dependent Variable: Access to criminal justice						
b. Predictors: (Constant), Devolution of case management						

Table 4.16 shows that the relationship between devolution of case management and access to criminal justice at the ODPP in Mbarara Region was positive even though scientifically not significant (Sig. = 0.000, P =.000 <0.05, F= 14.920). This meant that the model is not significant because its significance value is above 0.05. Therefore, the alternative hypothesis which states that there is a positive relationship between devolution of case management and access to criminal justice at the ODPP in Mbarara Region was accepted.

Conclusion

The study findings revealed that there was a moderate positive correlation between devolution of planning and access to criminal justice at the ODPP in Mbarara Region. ($r=.514^{**}$ $p < 0.05$). The study findings revealed that there was a strong positive correlation between devolution of supervision and access to criminal justice at the ODPP in Mbarara Region. ($r=.696^{**}$ $p < 0.05$). The study findings revealed that moderate significant positive correlation between devolution of case management and access to criminal justice at the ODPP in Mbarara Region ($r=.508^{**}$ $p < 0.05$).

CHAPTER FIVE

SUMMARY, DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This study investigated the impact of decentralization of the functions of the office of the Director of Public Prosecutions on access to criminal justice in Mbarara Region. The previous chapter was concerned with analyzing, presenting and interpreting data got from respondents at the office of the Director of Public Prosecutions in Mbarara Region. This chapter presents the summary, discussion, conclusions and recommendations according to the three specific objectives of the study.

5.2 Summary of the findings

This section presents the summary of findings in line with the specific objectives of the study.

5.2.1 Devolution of planning and access to criminal justice at the ODPP in Mbarara Region

The study findings revealed that there was a moderate positive correlation between devolution of planning and access to criminal justice at the ODPP in Mbarara Region. ($r=.514^{**}$ $p < 0.05$). This study found that planning in the ODPP field offices at regional level; giving needs at field offices priority during planning, building capacity of ODPP field offices to make input and considering views and suggestions from regional offices during the planning process, other factors remaining constant, are likely to improve on access to criminal justice in terms of fairness of the prosecution process, speed of disposing disputes and efficiency of disposing disputes.

5.2.2 Devolution of supervision and access to criminal justice at the ODPP in Mbarara Region

The study findings revealed that there was a strong positive correlation between devolution of supervision and access to criminal justice at the ODPP in Mbarara Region. ($r=.696^{**}$ $p < 0.05$). This meant that; enabling ODPP regional offices to exercise full power; allowing ODPP regional offices to appraise the performance of field officers, effective inspection of the operations of the field offices, and ensuring that ODPP regional offices receive and respond to complaints from the public, other factors remaining constant, is likely to improve on access to criminal justice in terms of Fairness of the prosecution process, speed of disposing disputes and efficiency of disposing disputes.

5.2.3 Devolution of case management and access to criminal justice at the ODPP in Mbarara Region

The study findings revealed that moderate significant positive correlation between devolution of case management and access to criminal justice at the ODPP in Mbarara Region ($r=.508^{**}$ $p < 0.05$). This study found that building capacity of ODPP regional offices in tracking case files; giving the ODPP regional offices full powers in managing cases from field offices, allowing the ODPP regional offices to make final decisions on prosecution led investigations, and ODPP regional offices providing sufficient mentoring and coaching to field officers in the handling of court cases, other factors remaining constant is likely to significantly improve on access to criminal justice.

5.3 Discussion

5.3.1 Devolution of planning and access to criminal justice at the ODPP in Mbarara Region

The study revealed a moderate positive significant relationship between devolution of planning and access to criminal justice at the ODPP in Mbarara Region. Such findings are in

agreement with the views held by Bossert (2012) who highlights that decentralization promotes accountability, participation of the community in the management and technical efficiency of public resources. The findings are also in harmony with Green (2008) who stressed that efficient Planning and efficient financial management are very important in promoting rational prioritization in response to community priorities.

The study found that majority of the respondents over 60% disagreed to the statements on devolution of planning of the ODPP functions to field offices. On the measures of central tendency: the mean were largely 3.07 or lower, meaning they were below average except for a few cases. The standard deviations were largely over 1.074 which indicates that respondents largely had similar ratings on the items regarding devolution of planning of the ODPP functions to field offices, these findings are supported by Ahmed et al., (2012) who opines that it brings out a critical fact that for an effective criminal justice system, the prosecutor must play an effective role and supports the researcher's argument that devolution of planning provides that critical "voice" for access to justice needs to be identified, and to ensure proper planning and resource allocation. Proper planning in the Mbarara Regional Office would translate into identifying solutions to the unique access to justice issues in the region. This may include hiring translators for the refugees who do not understand / speak any local languages to facilitate witness preparation interviews. It includes even planning for the right human resources that are required, thus feeding into the recruitment/ deployment strategy at the Headquarters. The office of the Global Rights (2011), in support of the findings, further outlines that decentralization greatly contributes towards achieving the aims of the criminal justice system.

5.3.2 Devolution of supervision and access to criminal justice at the ODPP in Mbarara

Region

The study revealed a strong positive relationship between devolution of supervision and access to criminal justice at the ODPP in Mbarara Region. Such findings are supported by MacKinnon (2010) who argue that some criminal justice systems public prosecutors also direct, conduct and some times over see investigations by police; making sure that victims get assisted, enforce / execute court orders etc.

The study found that a few of the respondents over 60% agreed to the statements on devolution of supervision of field offices; while on the rest of the statement respondents largely agreed though with a low majority. On the measures of central tendency: the mean were largely 4.07 or higher, meaning they were above average except for a few cases. The standard deviations were largely lower than .0919 which indicates that respondents were largely consistent in responding to the items regarding devolution of supervision of field offices. In support to these findings of this present study, MacKinnon (2010) concludes that effective monitoring and supervision of staff and of criminal cases (including the investigative processes) has a direct impact on the quality of the output or work done.

Findings from this study still agree with those of Global Rights (2011) who assert that devolution enables effective monitoring for compliance and performance, in keeping with established standards. This is confirmed by MacKinnon (2010) who explains that there's heavy reliance on human resource to inspect and monitor decisions of subordinates and provide guidance. It also requires innovations and solution finding where the obstacles to justice manifest.

However, the findings concur with those by Oloka-Onyango (2007), who found that one of the biggest impediments to access to justice has been identified as the capacity (or incapacity) of

officials at lower levels of local Government to do human rights monitoring or even to ensure that there is implementation of a human rights approach to development.

5.3.3 Devolution of case management and access to criminal justice at the ODPP in Mbarara Region

The study revealed a moderate positive relationship between devolution of case management and access to criminal justice at the ODPP in Mbarara Region. Such findings are supported by MacKinnon (2010) who observed; that under decentralization, the prosecutor plays a critical role in considering and attending to the needs of victims of crime. This could be through improving communication and providing timely updates on case stage or progress and in supporting them.

The study found that a few of the respondents over 60% agreed to the statements on devolution of case management; while on the rest of the statement respondents largely agreed though with a low majority. On the measures of central tendency: the mean were largely 3.03 or higher, meaning they were above average except for a few cases. The standard deviations were largely higher than .977 which indicates that respondents largely had similar ratings on the items regarding devolution of case management. In line with such findings UNDP (2014) highlighted that good management and governance are essential to effective delivery of services. Public prosecutors contribute immensely to criminal justice since that they appear on the side government as they represent people rather than individual victims.

Findings from this study still agree with those of Global Rights (2011) to the extent that in a decentralized system a public prosecutor plays a role of upholding the rule of law and has ethical and professional obligation of ensuring that people accused of crimes receive a fair trial.

MacKinnon (2010) noted that prosecutors should not take cases to court which are not supported by evidence so that court's time and resources are not wasted on cases with no reasonable expectation of success.

Findings from this study still concur with the Principal-Agent theory as advocated by Donahue, (1989) which assumes that the principal (ODPP) devolves power and authority to the agent (DPP regional centers) to perform a task, such as planning, monitoring and supervision as well as case management.

5.4 Conclusions

The following conclusions were drawn from the study findings

5.4.1 Devolution of planning and access to criminal justice at the ODPP in Mbarara

Region

Basing on of the findings from the study, it can be concluded that generally planning in the ODPP field offices country wide at regional level; giving needs at field offices priority during planning, building capacity of ODPP field offices to make input and considering views and suggestions from regional offices during the planning process is likely to improve on access to criminal justice in terms of Fairness of the prosecution process, speed of disposing disputes and efficiency of disposing disputes.

5.4.2 Devolution of supervision and access to criminal justice at the ODPP in Mbarara

Region

Basing on of the findings from the study, it can be concluded that generally enabling ODPP regional offices country wide to exercise full power; allowing ODPP regional offices to appraise the performance of field officers, effective inspection of the operations of the field offices, and ensuring that ODPP regional offices receive and respond to complaints from the

public is likely to improve on access to criminal justice in terms of Fairness of the prosecution process, speed of disposing disputes and efficiency of disposing disputes

5.4.3 Devolution of case management and access to criminal justice at the ODPP in Mbarara Region

Basing on of the findings from the study, it can be concluded that generally building capacity of ODPP regional offices country wide in tracking case files; giving the ODPP regional offices full powers in managing cases from field offices, allowing the ODPP regional offices to make final decisions on prosecution led investigations, and ODPP regional offices providing sufficient mentoring and coaching to field officers in the handling of court cases is likely to significantly improve on access to criminal justice.

5.5 Recommendations

5.5.1 Devolution of planning and access to criminal justice at the ODPP in Mbarara Region

Basing on the above findings, to overcome the shortcomings the process of decentralisation should be properly planned by the ODPP if access to criminal justice is to resonate with the needs of the poor and access to criminal justice by local communities is to improve.

ODPP through conferences and planning meetings should always engage heads of Regional offices in planning and budgeting and obtain user requirements since findings of the study indicated that majority of the respondents did not agree about being involved in planning for improved access to criminal justice. The staff at the region should be trained on proper planning and the Government of Uganda planning and budgeting cycles and processes. This will improve their appreciation of the process and enable them to prioritise. ODPP regional structures should be progressively strengthened by the ODPP through planned mentorship

and coaching to improve their capacity and skills in planning and programme management and support.

5.5.2 Devolution of supervision and access to criminal justice at the ODPP in Mbarara Region

Basing on the above findings, there should be clarification through creation of awareness of the public about the services offered by the ODPP for effectiveness of decentralisation by devolution of the ODPP functions. Unless the masses understand fully the powers and functions of the ODPP then they remain unable to use the system to solve their criminal justice needs. When they suffer abuse or neglect they will not know where to report and can't even use the complaints system, which is in place to ensure better supervision. It is also important that wider reforms are carried out so that there's real devolution of power and authority. This includes increasing the number of professional officers at the Region, and providing adequate funding and facilitation for inspections, appraisal meetings etc. The ODPP and Public Service Commission should always recruit human resource to fill the human resource gap of prosecutors in the Stations within Mbarara area. Inadequate human resource negatively affects delivery of criminal justice in the region. Supervision of the Regional Officers should also be stepped up to ensure that they are effectively executing the delegated mandates.

5.5.3 Devolution of case management and access to criminal justice at the ODPP in Mbarara Region

Basing on the above findings, sensitization workshops should be held for the community especially the women, children and youth and indigent persons on their right to access to Justice and existence of the ODPP, in the Mbarara region.

The regional officers of the ODPP should be allocated funds to directly handle and investigate some criminal cases (especially sensitive and high profile ones) instead of going through the police structures.

The regional offices of the DPP should adopt a business approach in the resolution of cases to resolve cases in the most rational and cost effective manner in the Mbarara region.

The regional offices of the DPP should heighten communication, cooperation and coordination with other JLOS agencies in the region as a prerequisite to the expeditious and seamless adjudication of criminal cases in the Mbarara region for example the ODPP in the region effective communicate and share relevant information with the Police, Judiciary, Prisons etc. in all criminal cases.

5.6 Areas for further research

The researcher recommends further research to investigate the other factors that affect access to criminal justice that were not covered by this study e.g. corruption. Equally, further research should be carried out in other JLOS agencies to ascertain whether these findings are universal; research on the effect of management functions and styles should be carried out since this was not the objective of this study.

CONCLUSION

The study set out to establish whether there was any relationship between devolution of planning, supervision and case management on access to criminal justice within Mbarara region. The researcher was able to ascertain there was a significant positive correlation between all the elements. Through the data analysed, it was clear that decentralisation through regionalisation in the ODPP had yielded success in improving access to justice. The bottlenecks and unique access to justice challenges within the region, within the parameters of

this study, were identified and recommendations made on how these should be tackled to ensure real access to criminal justice to all the people within Mbarara region.

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APPENDIX 1: Questionnaire

Dear Respondent,

I am Jane Okuo a student at Uganda Management Institute pursuing a Master's degree in Institutional Leadership and Management. In order to complete the study, I am kindly requesting you to take off a few minutes to participate in this research study. After your consent, I am kindly asking you to fill out the questionnaire at your most convenient time. This study is aimed at investigating the impact of decentralization of the functions of the office of the Director of Public Prosecutions on access to criminal justice in Uganda. The purpose of this study is purely academic. All information provided will be treated with utmost confidentiality. Your participation in this study is voluntary but I will be glad if you accept to participate in it.

Thank you for your cooperation.

Sincerely,

Jane Okuo

SECTION A: Demographic Characteristics

Please fill and tick (✓) where most appropriate

1. Gender

- Male
- Female

2. Marital Status

- Single
- Married
- Divorced
- Widow/widower
- Other (Specify).....

3. Age group

- 20-30years
- 31-40years
- 41-50years

51-60yrs

4. Highest Educational level attained

- O level
- A level
- Diploma
- Bachelor's degree
- Post graduate diploma
- Masters
- PhD

Section B: Access to Criminal Justice

Please use the rating scale 1-5 as provided below to select an option that you most agree with on each of the aspects. Tick (✓) the appropriate number.

1. Strongly disagree 2. Disagree, 3. Not sure, 4. Agree, 5. Strongly agree

SD=Strongly Disagree D=Disagree N=Not sure A=Agree SA=Strongly Agree

No.	Particulars	SD	D	N	A	SA
		1	2	3	4	5
1	Members of the public access prosecution services free of charge in Mbarara Region					
2	Members of the public receive legal advice relating to criminal law					
3	Members of the public receive information about ODPP services in Mbarara Region					
4	The ODPP conducts investigations of criminal cases (prosecution led investigations) within a duration of 120 days on average in Mbarara Region					
5	Case files pending a decision to prosecute or not are perused in 30 days in Mbarara Region					
6	Case files for Sanctioning are handled within a duration of 2 days on average in Mbarara region					
7	All Criminal cases in Magistrates Courts are prosecuted within an average of 30 days in Mbarara Region					
8	All ODPP staff report for duty from Monday to Friday starting at 8:00pm to 12:45 and 2:00pm to 5:00pm, excluding public holidays in Mbarara Region					
9	All files for committal are handled within the statutory 6 months period in Mbarara Region					
10	The number of people accessing the complaints desks in Mbarara Region have increased since Regional Office was established					

11	Victims of crime receive timely information on all case processes once their cases are taken to court, till they are concluded					
12	Victims of crime within Mbarara region are informed of the reasons for withdrawal of their cases before the formal withdrawal is made in court					
13	There are mechanisms in place in Mbarara region to address needs of the vulnerable group (women, children, People with disabilities)					

14. What can be done for access to criminal justice to improve?

.....

Section C: Decentralization of the functions of the Office of the Director of Public Prosecutions

Please use the rating scale 1-5 as provided below to select an option that you most agree with on each of the aspects. Tick (✓) the appropriate number.

1. Strongly disagree 2. Disagree, 3. Not sure, 4. Agree, 5. Strongly agree,

Devolution of Planning

No.	Particulars	SD	D	N	A	SA
		1	2	3	4	5
1	Planning in the ODPP for the field offices is done at regional level					
2	While planning the real needs at the field offices are given priority					
3	The heads of the field ODPP offices have the ability to make input into priority setting at the regional level					
4	Prosecutor’s views are considered during the planning process at the regional level					
5	Views and suggestions from the regional offices are considered in the ODPP planning process					
6	The ODPP plans meet expectations of the community in western Uganda					
7	The ROs and RSAs and RSPs have sufficient knowledge about planning to contribute to the ODPP Plan					

8. How can devolution of planning help you to improve on access to criminal justice?

.....

Devolution of Supervision and Monitoring

.....

Devolution of Supervision and Monitoring

No.	Particulars	SD	D	N	A	SA
		1	2	3	4	5
1	The ODPP regional offices exercise full power at evaluating performance of prosecutors					
2	The ODPP regional offices effectively appraise the performance of field officers					
3	The ODPP Regional Offices effectively inspect the operations of the field offices					
3	The ODPP regional offices effectively inspect the operations of individual prosecutors					
4	The ODPP regional offices receive complaints from the public in Mbarara Region					
5	The ODPP regional offices respond to complaints from the public in Mbarara Region within two days					
6	The ODPP regional offices satisfactorily provide solutions to majority of complaints raised by the public in western Uganda					

10. How can devolution of supervision and monitoring help you to improve on Access of Criminal justice?

.....

Devolution of Case Management

No.	Particulars	SD	D	N	A	SA
		1	2	3	4	5
1	The ODPP regional offices are effective at tracking case files from the ODPP field offices					
2	The ODPP regional offices exercise full powers at tracking case files from Headquarters					
3	The ODPP regional offices exercise full powers at making decision on case files in western Uganda without forwarding them to headquarters					
4	The ODPP regional offices make final decisions on prosecution led investigations in western Uganda without forwarding them to headquarters					
5	The ODPP Regional Offices Effectively coordinate and handle the cases at the High Court in Mbarara region					

6	The ODPP Regional Offices effectively coordinate and handle criminal Appeals and miscellaneous applications within Mbarara region					
7	The ODPP Regional Offices effectively coordinates all Appeals and Miscellaneous applications before the High Court					
8	The ODPP Regional Offices provide sufficient mentoring and coaching to field officers in the handling of court cases within Mbarara region					

9. How can devolution of case management help you to improve on Access to criminal justice?

.....

Thank you for your cooperation

APPENDIX 2: Interview Guide

Instructions

Please answer the following statements as practiced by you

1. How do you conceive the term decentralization of the functions of the office of the Director of Public Prosecutions?
2. Would you say that access to criminal justice in western Uganda has changed since the introduction of decentralization of the functions of the ODPP? . Please give examples.
3. How efficient are the ODPP services delivered in western Uganda? Do you think decentralization of the functions of the ODPP contributes towards this efficiency in any way? Please give examples.
4. How would you rate the quality of criminal justice in western Uganda? Please give a description on this. Could it be due to the introduction of decentralization of the functions of the office of the directorate of public prosecutions? Give reasons.
5. (a) Is there devolution of planning at the DPP regional center in western Uganda? Do you have an idea how it's carried out? Please explain.
(b) Do you personally participate in planning for the DPP services usually? In your view, is participatory planning having any impact on access to criminal justice?
6. Would you say that devolution of supervision and monitoring improves access to criminal justice? Please explain.
7. (a) Do you think devolution of case management affects access to criminal justice in western Uganda?
(b) Briefly explain?
8. (a) What do you think are the indicators of access to criminal justice in western Uganda?
9. What would you recommend as the most effective strategy to improve on access to criminal justice in western Uganda?

Thank you for your cooperation

Thank you for your cooperation

APPENDIX 3: Documentary Checklist

The documents to look out for will include;

1. JLOS Reports
2. DPP Reports
3. DPP meeting minutes