Assessing the Preparedness of Law Enforcement Agents in Dealing with White-Collar Crimes in Kenya: A Case of Nairobi City County

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Abstract: - This study sought to assess the preparedness of Law Enforcement Officers in handling white-collar crimes within Nairobi City County. White collar crimes are seen as a major headache for all legitimate governments throughout the world. It also slows down economic growth by discouraging local and foreign investors. The preparedness of the law enforcement agents to combat white-collar crimes is therefore seen as a key element in reassuring members of the society and attracting foreign investment for developing countries The research objectives were to establish the adequacy of current resources available to effectively manage white-collar crimes in Nairobi City County, to explore the competencies of the law enforcement agents in investigating white-collar crimes in Nairobi City County, to examine the challenges encountered by Law enforcement agents face in thwarting white-collar crimes within Nairobi City County and finally to establish the strategies for enhancing the capacity of law enforcement agents in handling white-collar crimes in Nairobi City County. The target population was largely drawn from the Kenya police, Directorate of criminal investigations and the Kenya Anti-corruption commission with a sample size of 371 respondents drawn from the DCI and KPS. This study adopted quantitative and qualitative research methods it used a descriptive survey design. Data was collected through questionnaires and interviews. The study was guided by the Rational Choice Theory. Quantitative data was analysed through the SPSStool version 23. The reports from qualitative data were presented using descriptive statistics. This included frequencies, modes, means, variances and standard deviations. Qualitative data was first coded, patterns established themes and finally reported narratively. The study revealed that there was a significant and strong relationship between the four variables and preparedness level to deal with white collar crime, however the enforcement agents in Nairobi County-Kenya were found to be generally ill prepared to fight white collar crime. The study revealed that corruption, tendering and other acts of bribery; money laundering, embezzlement/misappropriation of public funds/resources as the most prevalent crimes. Cyber-hacking and other forms of internet fraud were also perceived to be problematic, yet security agents were inadequately prepared to deal with these kinds of crimes as they lacked resources and the relevant training to enable them to investigate, arrest, and prosecute the culprits. The study further recommended that the government should allocate more funds and resources to enable law enforcement agents procure modern gadgets that track internet activities; the officers/forensic experts need to have proper training and be recruited from the smart people in society who are perceived to be supper intelligent for them to be smart in their investigations; there is also need to strengthen the existing and establish relevant laws (legal and institutional frameworks) aimed at combating corruption related and other economic crimes.

I. BACKGROUND TO THE STUDY

Within the field of criminology, white-collar crime has been defined as "a crime committed by persons of respectability and high social status in the course of their occupation" (1949) Sutherland was a proponent of Symbolic Interactionism, and believed that criminal behavior was learned from interpersonal interaction with others. White-collar crime, therefore, overlaps with corporate crime because the opportunity for fraud, bribery, insider trading, embezzlement, computer crime, identity theft, and forgery is more available to white-collar employees. Accorrding to (Seetharaman, Senthilvelmurugam, and Periyanayagam, 2004) the term white-collar crime refers to offenses committed by workers in the course of their official and commercial activities. Many white-collar crimes occur in the context of a legitimate occupation, but it is not confined only to the actions of individuals. Organizations of all types, including political parties, church organizations, and government, can also violate the law in the pursuit of profit, power, and position within their organizational environment According to Levi (2006), a white-collar crime refers to the systematic and sophisticated ranges of frauds that befall businesses and government institutions and professionals. Key characteristics that are synonymous with these crimes include; deceit, concealment or a violation of trust which may not in any way dependent on the application of threat or use of physical force or violence. Within the field of criminology, white-collar crime has been defined by as "a crime committed by persons of respectability and high social status in the course of their occupation" (1949) Sutherland was a proponent of Symbolic Interactionism, and believed that criminal behavior was learned from interpersonal interaction with others. White-collar crime, therefore, overlaps with corporate crime because the opportunity for fraud, bribery, insider trading, embezzlement, computer crime, identity theft, and forgery is more available to white-collar employees. The term white-collar crime refers to offenses committed by workers in the course of their commercial activities (Seetharaman,

Senthilvelmurugam, and Periyanayagam, 2004). White-collar crime is crime that occurs in the context of a legitimate occupation, but it is not confined only to the actions of individuals. Companies, corporations, and organizations of all types, including political parties, church organizations, and government, can also violate the law in the pursuit of profit, power, and position within their organizational environment. For offenses involving entire firms or industries the major incentive behind these new forms of crimes is the need for financial rewards, either by way of obtaining or avoiding losing money, property or services in or by way of securing a personal or business advantage. Benowitz (2015) alludes that investigations surrounding white-collar crimes are not like the non-white collar ones. This is because, the white-collar crime cases start with the investigation while the non-collar cases start with the arrest. On this note, the law enforcement agents would usually get lead information or a tip-off that will provide a hint that there is something going on in a certain firm or group of persons, as such they will conduct an investigation.

They will require crucial documentations and perhaps look at e-mails and other communications to enable them to gather the required evidence. Benowitz (2015) further asserts that investigators would be able to acquire a search warrant to such premises as well as an approval for an electronic intercept or a wiretap. Therefore, an investigation would be built in such a way that would ultimately culminate in either an arrest of culprits or a notification by document that is a letter to an individual who may be suspect to such an investigation. It therefore implies that law enforcement officers tasked with the management of white-collar crimes must be well trained and be equipped with relevant resources to enhance preparedness and effective management of crimes. Towards this end, many countries scour for policies and laws that can enable fight the vice effectively. In United States of America (USA) for example, the Federal Bureau of Investigations (FBI) and Interpol of late have been on a serious mission of integrating and analyzing intelligence information as well as investigating criminal acts like public corruption, corporate fraud, money laundering, mortgage fraud, securities and other commodities fraud, banking and financial institutions fraud as well as other forms of misappropriation of government resources, healthcare fraud, election law infringements and mass marketing fraud. In most cases, the Interpol and the FBI are concerned with complex investigations which are of criminal nature, that are international, regional or national in scope and they usually support national governments through teaming up with local officials to inject in their expertise and capabilities that increase the chances of having a successful investigation (Armstrong & Forde, 2003).

In a survey conducted by Burns, Whitworth and Thompson (2004), involving 700 largest USA Police departments and sheriff's offices examining their perceived preparedness levels to address the issue of white-collar fraud, it was established that 46.7% representing almost half of the respondents were of the view that law enforcement agencies did not have adequate electronic or computer crime division, while 43.3% of the respondents reported having such a division for a period of five (5) years or below. Again, amongst the respondents who were of the view that their agency employs an electronic/computer crime division, 93.3% indicated that the division comprised of five people or less. Burns, Whitworth and Thompson (2004), further indicates in this study that most respondents were either underprepared and completely unprepared to deal with white collar crime, with few believing that their department/agency had the essential resources (15.3 %) or equipment (16.2%) to sufficiently investigate white collar crime/internet fraud; they too did not believe they had adequate staffing (7 %) or training (18 %) to do so. While on the same note, respondents widely held that the idea of creating more laws to effectively punish offenders, who commit internet fraud (74.5 %), as well as the facilitation of interstate (77%) or international efforts at (72.9 %) to enforce legislation regarding white collar crime/internet fraud. Majority of the respondents (64.5 %) also felt that law enforcement efforts in the area of white crime/internet fraud would be facilitated by clearer definitions of what constitutes internet fraud and clear delineation of law enforcement boundaries with regard to white collar crime/internet fraud investigation (70 %). As highlighted, it is evident that the officers lack necessary resources and training to enable them carryout their duties with effectiveness and thoroughness. For effective management of white-collar crimes, law enforcement agents need to train on proper and modern ways of policing. In addition, the law enforcement agents require resources such as modern vehicles, surveillance gadgets, training, tracking equipment as well as laboratory equipment for forensic investigation.

Globally, white-collar crimes take the form of embezzlement, extortion, bribery, cyber hacking, forgery as well as misrepresentation of facts. In most cases, these types of crimes are victimless, and it makes a very hard task for security agencies the world over to combat them (Ajala, 2007). This implies that the officers tasked with dealing with white-collar crimes have to be well prepared to successfully manage the vice. It should be noted that a single act of white-collar crime can destroy an entire company, take away peoples hard earned savings in their bank accounts, cost investors unnecessary huge sums of money in their investments, just to mention a few. Crimes especially white-collar crimes have been a major headache for almost all the legitimate governments all over the world. The idea of living in fear of crime has been a serious threat to the stability of many major cities of the world including Nairobi City County. It has also slowed down the levels of sustainable economic growth and development. It has significantly reduced the quality of life of ordinary citizens and scared off investors.

According to Overill (2003), tackling the problems of white-collar crimes is no longer a luxury but a necessity and it is one of the top items on the agenda list of many governments globally. In most developed countries such as the United States, Britain, France, Germany and Italy among others, such crimes are usually dealt with by way of preventing them from happening. Overill further states that, these countries have beefed up their intelligence networks, carrying out of constant surveillance of senior and junior officers, digitization of both public and private services, installation of CCTV cameras in their offices, sensitization of the general public to stay alert and report to the authorities of any suspicious activities they encounter, formation of independent bodies to audit and cross examine the activities of the public bodies.

 In Africa, Langenderfer and Shrimp (2001), narrates that the problems of white-collar crimes have reached alarming levels. Policy makers as well as practitioners of security in African states like Nigeria, urban crimes especially those of white-collar is one of the most pressing tasks for public policy in the recent times. The rising trend of white-collar crimes across the world underscores the need for those mandated to deal with white-collar crimes to be well prepared.

Kenya has become the hub of white colorcrime referred to locally as corruption or unethical practices affecting both the public sector and the private sector. White color crime or unethical practices have become the greatest problem for the Kenyan society and government according to the Transparency International Reports since the year 2000 and beyond. Corruption and unethical practices have become the fastest means of acquiring wealth and climbing the ladder to affluence in Kenya. White collar crimes have been blamed for denying the national government as well as the county governments the funds meant for development. The national government has lost billions of shillings to corrupt officials affecting the development plans by the tune of up to over shillings 1trillion since twenty thirteen.

In Nairobi, Kenya, a number of crime prevention strategies have been put in place both by the national government and the county government of Nairobi. However, this has not assisted much in the management of the white-collar crimes, there are still many reported cases of white-collar crimes being reported. This is exhibited by the unprecedented number of persons who have been arraigned in court during the past one year. As of October (2016), 873 people in Kenya were arraigned in courts facing corruption charges and other economic crimes (Njini, 2016).

Kenya ethics and anti-corruption commission (EACC) is an organization which deals with white-collar crimes related cases. In its annual report of 2015/2016, received and analyzed, a total of 7,929 reports and complaints representing a 40 % increase from the previous year which recorded 5,660. During the year under review, 3,856 reports and complaints which were within the mandate of the commission were investigated. A total of one hundred and sixty-seven cases of corruption and economic crimes were finalized and submitted to the Director of Public Prosecutions (DPP) for action. Four case files on ethical issues were forwarded to the DPP for action according to EACC annual report, (2015/2016). With only four cases forwarded for action, it demonstrates how unprepared the law enforcement agents are in dealing with white-collar crimes.

The trends of white-collar crimes have continued to rise despite the efforts being put by various agencies around. Article 244 of the Kenyan constitution (2010), section 24 and 35 of the National Police Service act (2011), gives the police the mandate to handle the serious crimes in Kenya, despite the legal powers given to the Police; the trends of crimes have continued to rise. There is little information on how prepared the security agencies are, specifically the police officers and the extent to which they are able to handle white-collar crimes. It is not clear if the police officers are trained in the fields that can enhance their competencies in addressing white-collar crimes. It is upon this background therefore that this study seeks to find out the levels of preparedness of Kenya's law enforcement agencies to deal with the white-collar crimes in Nairobi City County. Efforts to fight the vice by the government have been met by a number of problems and cover ups because of the level of high ranking personalities involved in the vice.

II. LITERATURE REVIEW

2.1. Factors contributing to White-collar crimes and unethical practices

In Nairobi, Kenya it is observed that white collar crime has been rampant mostly in senior and junior level of governmental institutions, parastatals and corporate sector. The vice involves theft of large sums of funds through forgery and collusion. This happens among junior and senior levels of personnel managing the payments and budget preparations who steal in grand scale. The various financial and economic safeguards put in place have been ignored totally. According to Farrow (2017), in the United Kingdom (UK), government set priorities that target. The police do not cover issues of fraud. In any case, there is little or no motivation for the police officers to commit the available personnel to combat economic crimes. This condition is further compounded by diminishing number of qualified fraud investigators since those officers who are perceived as experienced/qualified retire and are not replaced. On this note, Farrow (2017), further indicates that there are only five to six hundred police officers in the UK who are genuinely dedicated to fraud and economic crimes investigations. In many instances, most of these officers are withdrawn from investigating fraud related crimes to deal with other crimes perceived to be serious. According to Farrow (2017), local police forces cannot sufficiently deal with all reported fraud cases since they lack enough resources to investigate internet fraud and other

related crimes because they have to focus on essential policing priorities such as drug trafficking, robbery, burglary and other violent crime.

It is noted that internet fraud and other white-collar crime is not a priority for police departments in the UK. They are required to devote their resources to other forms of crime, due to lack of enough trained personnel and financial resources. This makes it absolutely difficult for them to investigate and prosecute suspects of white collar crime and fraud cases. It is worth noting that white-collar crime is transnational, and this makes it difficult for investigators to build a water tight case under laws which are not uniform. Many countries do not have in place adequate laws regarding internet fraud/white-collar crime and are therefore limited in their ability to curb this menace. Investigations take a long time to complete under circumstances where some countries do not cooperate especially when it requires that a criminal has to be extradited. The above factors have extremely contributed to the ineffective management of white-collar crimes around the world. According to CAK report (2013), the ICT infrastructure has undergone a rapid development in Kenya especially with the arrival of the undersea fiber optic cables in 2009, as a result of all these development, there has been an increase of cybercrimes in the country.

Resources for fighting white-collar crimes

Managing white collar crime requires many approaches including political good will, robust laws and legal framework, good will by the government and a committed judiciary to fight the vice successfully. It also requires good will and determination by the citizens to support the government efforts and a well-trained and remunerated law enforcement agency who will fight the vice without turning back or being compromised. This requires adequate allocation of funds to support the investigations, travel expenses and allowances for security officials involved in the anti-corruption fight. Without proper funding it becomes impossible to eliminate white collar crime as corruption fights back using money and dirty tricks.

A survey conducted by Burns, et al (2004) noted that, the police and other law enforcement agents are said to lack sufficient resources to enable them to effectively handle fraud or white collar crime. Computers and other electronic gadgets that are essential in carrying out investigation are lacking in major crime prevention divisions. As highlighted, it is evident that the officers lack necessary resources and training to enable them carryout their duties with effectiveness and thoroughness. To be able to address white-collar crimes, law enforcement agents need to train on the proper modern way of policing to be able to address white-collar crimes. In addition, the law enforcement agents require resources sch as modern vehicles, surveillance gadgets, training, tracking equipment as well as laboratory equipment for forensic investigation. While few laws are enforced (100 percent), white-collar crime has a

substantially lower margin of non-enforcement. Burns, Whitworth and Thompson (2004)further notes that, white-collar crime and other crimes are so far not a priority for police departments since they are required to dedicate much of their time, energy and resources to crimes of violence and due to lack of trained personnel and financing, they are not always able to investigate, arrest and eventually prosecute the suspects of white collar crimes and other fraud and other fraud related cases. The very nature of the internet and the swift pace of technological change in the society results in otherwise traditional fraud schemes becoming more pronounced when outdated mechanisms/tools are used to try to combat the crime (Kennedy, 2002). The internet presents new and significant challenges for investigating crimes for law enforcement at all levels. These impediments/challenges include: the need to stalk/track down sophisticated users who commit unlawful acts using internet platforms while hiding their identities; the need for close coordination amongst law enforcement agencies; and the need for trained and well-equipped personnel to gather intelligence information, investigate, arrest and prosecute these cases. From the forgoing, it is prudent to conclude that lack of adequate resources has significantly contributed to the poor management of white-collar crimes (Burns et al. 2004).

Competences and capacity for fighting white-collar crime

Fighting white collar crime requires special training in computer tracking systems and ability to investigate and track hidden documents containing payments of stolen money to wrong accounts. Competence in this case means the ability to conduct a search efficiently and thoroughly and come up with results. According to Laudon and Laudon (2010), most investigators who are basically termed as knowledge workers heavily rely on computer systems such as spreadsheets, emails, voicemails and other software to collect vital information/evidence on internet crime/fraud. Indeed, very complex and functional mobile computer infrastructures are key in providing the same types of knowledge support. Furthermore, most businesses and government organizations have computer information systems that store reports as well as other company information electronically. As such, Gottschalk, Filstad, Glomseth and Solli-Saether (2011), argue that police officers and other law enforcement agents become challenged in investigating white-collar crime .The security agents should be well acquainted with computer systems and other mobile electronict racking devices for them to be able to effectively investigate stolen money. This indicates the complex nature of white-collar crimes and it implies that to build a tangible case of white-collar crime, it requires an investigator who is highly competent in matters technology.

Ethics and Anti-Corruption Commission, Kenya (EACC) is an organization which deals with white-collar crimes related cases. In its annual report of 2015/2016, received and analyzed, a total of 7,929 reports and complaints representing a 40 per cent increase from the previous year which recorded

5,660. During the year 2015/2016 under review, 3,856 reports and complaints which were within the mandate of the commission were investigated. A total of one hundred and sixty-seven cases on corruption and economic crimes were finalized and submitted to the director of public prosecutions for action. Four case files on ethical were forwarded to the DPP for action, EACC annual report, (2015/2016). The small number of cases forwarded to the DPP for action demonstrates the inability of law enforcement agents in dealing expeditiously with white-collar crimes. This puts into question the competencies of those agents tasked with dealing with white-collar crimes. From the literature it is evident that the law enforcement agents have failed to demonstrate complete competence in dealing with white-collar crimes.

Challenges encountered infighting white-collar crime

Fighting white collar crime involves Intelligence agencies such as the FBI, MI5, the Interpol and other international investigative agencies. Their responsibility includes collecting, integrating and analyzing intelligence information as well as investigating criminal acts in public corruption, corporate fraud, money laundering, securities and commodities fraud, mortgage fraud, financial institutions fraud, bank fraud as well as embezzlement fraud against the government, election law violations, mass marketing fraud and health care fraud. In most cases the Interpol and the FBI are concerned with complex investigations which are of criminal nature that are international, national, or regional in scope and they usually support national governments through teaming up with local officials to inject in their expertise and capabilities that increase the chances of having a successful investigation (Armstrong & Forde, 2008).

According to Reyes, O'Shea, Steele, Hansen, Jean and Ralp (2012), it is not uncommon for companies to handle criminal incidents in-house, electing not to seek help from outside agencies. This reluctance is due to the fear that reporting the incident will result in negative media exposure, which could lead to a loss of customers, a loss of customer confidence, and ultimately a loss of profits. This holds true even for companies that are required by law to report criminal incidents. In many of these cases, the company was required by law to report the incident immediately but did not. By the time the case goes to the investigator, it is clearly rolled out of control. At this stage of the investigation, the role of the investigator in their eyes is more of a clean-up crew than someone out to catch the suspect. As a result of involving law enforcement late in the investigation, crucial evidence is lost, suspects disappear, and reputations are damaged. On numerous occasions White-collar crimes are reported late to law enforcement agencies by companies looking to get help with a criminal case long after their investigation. This is one of the challenges the law enforcements agents face in dealing with nonviolent crimes.

According to Geis (2011), Corporate crime by and large have avoided these semantic and definitional quagmires, although

controversy persists regarding, first, whether a criminal offense ought to be charged against a nonhuman that is not capable of acting without the behavior of real persons. Geis further notes that, in Japan a corporation cannot be held criminally liable unless a person also is convicted. Second, there is the question whether civil litigation ought to be grouped with criminal white-collar and corporate crime data since the civil approach often is primarily an expedient tactic for dealing with a situation that equally well could have been handled in a criminal court. This shows how complex white-collar crimes are; sometimes it is not very clear whether the cases should be dealt with in a civil or criminal manner.

Law enforcement agencies have received complains in a piecemeal fashion, most not reaching a level to advance the complaint to an investigation. Victims of fraud have been unsure of how or where to report what they see or what they have experienced. Another problem is the venue, without some technical investigatory steps it is difficult to identify the location of a website or the origin of an e-mail. Lack of cooperation and coordination between the victims of white-collar crimes and the law enforcement officers has contributed to the poor management of white-collar crimes. This poses a challenge to the law enforcement agents and leads to shoddy investigations that cannot sustain a conviction against the offender in court.

 In Africa, Langenderfer and Shrimp (2001), narrates that the problems of white-collar crimes have reached alarming levels. Policy makers as well as security practitioners in African states such as Nigeria, South Africa, Ghana, Egypt, Ethiopia and Botswana are slowly recognizing the fact that tackling urban crimes especially those of white-collar is one of the most pressing tasks for public policy in the recent times. The above significantly helped the researcher explore the challenges faced by the law enforcement agents in tackling white collar crimes. This study specifically focused on the strategies available fight white collar crimes and interventions to build the capacity of law enforcement officers in Nairobi city.

Interventions for improving response to white-collar crime management

Dealing with white color crime requires well-structured strategies. These response strategies should be well funded and carefully executed in order to succeed in achieving their targets as fighting crime can encounter unexpected road blocks with very serious repercussions.

According to Overill (2003), tackling the problems of white-collar crimes is no longer a luxury but a necessity and it is one of the top items on the agenda list of many governments globally. In most developed countries such as the United States, Britain, France, Germany and Italy among others, such crimes are usually dealt with by way of preventing them from happening. Overill further stated that, these countries have beefed up their intelligence networks, carrying out of constant

surveillance of senior and junior officers, digitization of both public and private services, installation of CCTV cameras in their offices, sensitization of the general public to stay alert and report to the authorities of any suspicious activities they encounter, formation of independent bodies to audit and cross examine the activities of the public bodies. According to Palmer (1994), the provision of better training for investigators is a key practical response. While training and education issues have received much increased attention and resources from police services in recent years, particularly in the context of their vigorous pursuit of the development of police professionalism, there is more to be done. Investigation of serious fraud cases requires, in addition to a good level of competence in relation to standard criminal investigation techniques and practices, a general knowledge of the financial environment in which the criminal activity is committed (i.e. banking, insurance, stock market, bullion market, etc.) and of the specialist tools available to the investigator. This would empower the law enforcement officers in as far as dealing with white-collar crimes is concerned. From the above literature it is clearly evident that, despite the efforts made by the governments, white-collar crimes have not been managed effectively. This means that there are underlying issues which need to be addressed in order to effectively manage white collar crimes. This study specifically assesses the interventions put in place by the law enforcement officers and the interventions to help manage white collar crimes in Nairobi city.

2.2 Theoretical framework

The study was guided by the social control theory of Giddenns and Hirshi (1999) Giddens observed that human beings are fundamentally selfish and usually make calculated decisions about whether or not to engage in criminal activity by weighing the potential benefits in comparison with the potential risks. Hirshi (1999) further observes that bonds hold people to society and good behavior and when strong bonds exist they help to maintain social control. A strong bond holds people not to commit crimes but if the bonds are weak, delinquency and deviant behaviors occur. Social control theorists therefore explain that the growth of crimes is the outcome of the increasing number of opportunities and targets for crime in modern society. The preserve of high benefits and absence of restrictions offers an opportunity for people to commit crimes. Control theory is linked to an influential approach to policing called the theory of broken windows which suggest that there is a direct connection between the appearance of disorder and the actual crime. If a single broken window is left unrepaired, it sends a message to potential agendas that neither the Police nor local residents are committed to the upkeep of the community. As time goes by more signs of disorder will occur such as graft, litter as well as vandalism. The theory is relevant to this study because unless the security agencies in Nairobi City County are well prepared to deal with this menace, it will remain a tall order given the

fact that there are high rates of unemployment and income inequalities in Nairobi City County according to Transparency International report (2012).This theory when anchored in this study posits that criminals committing white-collar crimes succeed due to the opportunities that are available and the low risk of arrest that they perceive. Relaxed laws, lack of effective structures as well as weak mechanisms for policing of white-collar crimes and prevention of white-collar based crimes will encourage the potential offenders. Criminals will be taking advantage of weak punitive laws and ineffective enforcement agencies.

III. RESEARCH METHODOLOGY

The four objectives of the research were; to assess the adequacy of current resources available; to explore the competencies of the law enforcement agents; to examine the challenges law enforcement agents face in dealing with white-collar crime and eventually to analyse the interventions/strategies of enhancing the capacity of law enforcement agents in handling white-collar crimes in Nairobi CountyThe study aimed at examining the levels of preparedness of Law Enforcement officers in handling white-collar crimes as independent variables while the dependent variable was the management of white-collar crimes. The study adopted qualitative and quantitative research methods .It employed descriptive survey design by Newby (2010), to guide data collection and analysis in the research data..The study was conducted in Nairobi City County which is Kenya's Capital. The population of the study included officials from the National Police Service and Ethics and Anti-Corruption Commission. Because of their role in tracking white-collar crimes in Nairobi City County. The population size was 5256 drawn from, the Kenya Police officers, Ethics and Anti - Corruption Officers and The Directorate of Criminal Investigation (DCI) Officers..3.4.1 The study adopted stratified random sampling technique. This enabled the researcher to capture variations among police officers in terms of cadres in which officers serve.

Table 3.1: Sample size

Category	Police officers at Nairobi County Headquarters	Total	Sample
Senior	68	68	4
Middle	379	379	38
Lower	4809	4809	329
Total	5256	5256	371

Source: Nairobi City County Police Headquarters, (2017)

The above sample comprised of 371 Police officers of different ranks working in Nairobi City County. Primary data was collected through questionnaires and interviews as per (Creswell, 2009). Key informants schedule was designed to be flexible in order to help in exploring the subject in depth and discovering new ideas. A Pilot study was conducted among a non-sampled with similar characteristics.

A pilot study was conducted in Thika Police Division, Kiambu County a sample of 20 police officers drawn from the DCI and KPS in Kiambu County was studied to test the instruments of data collection because it bears the same similarities with the research site. Quantitative data was analysed using the SPSS while the qualitative data was analysed using content analysis method. Ethical factors were respected during the study

IV. DATA PRESENTATION AND DISCUSSION

Chapter four presented data which had been analysed empirically. The response rate was 81 percent which is acceptable in research.

4.1

Table 4.1 Response rate and Reliability Statistics

Description	No. of questionnaires	Percentile (%)
Returned	**302**	**81**
Unreturned	**69**	**19**
	Reliability Statistics[a]	
Cronbach's Alpha for RAW Variables*	Cronbach's Alpha based on Standardized Variables	Number of Items
0.7681	0.7704	14

Notes: [a] Obtained using SPSS (Version 23)

Source: Survey data (2018).

Again, the questionnaires were pilot tested one week before the main survey was conducted involving 20 conveniently sampled police officers from Thika police division. A number of adjustments were made on the research instruments for readability, comprehension and relevance to the measurement items..

4.2 Demographic Profile of the Respondents

The research targeted law enforcement officers from different sections of the NPS (within Nairobi City County). The study findings as seen from *table 4.2* below shows that majority of the respondents who participated in the survey were male (68.5%) while 31.5% of the 302 respondents where female. The skew towards a male representation in the NPS may be attributed to the obligatory (one third) gender balance/ratio provided by the employment act and the Constitution of Kenya (Constitution of Kenya, 2010).

Table 4.2 Sample Demographic Characteristics

n=302

Variable	Frequency	Percentile (%)
Gender		
Male	207	68.5
Female	95	31.5
Level of Education		
Postgraduate course	69	23.0
University/college degree	121	40.0
Diploma/professional ourse	97	32.0
Others	15	5.00
Age		
20-25 years	31	10.2
26-30 years	35	11.6
36-40 years	99	32.8
41-45years	52	17.1
46-50 years	43	14.3
51-55 Years	25	8.40
56-60 Years	17	5.60

Source: Survey data (2018)

On the basis of the highest level of educational qualifications, the distribution was as follows: twenty two percent (23%) of the 302 respondents had attained a postgraduate degree (i.e. Masters and Doctorate), 40% had attained an undergraduate degree, 32% of the respondents had attained at least a Diploma/Professional course while 5% of the respondents had other qualifications. With regards to the distribution of respondents by age, the responses were as follows: In the 20-25 years age bracket=10.2%, in the 26-30 years bracket = 11.6%. in the 36-40 years old category=32.8%, in the 41-45 years category=17.1%, in the 46-50 years old category=14.3%, in 51-55 years old category= 8.4% and in the 56-60 years old category=5.6%. The data provide a clear indication that the age group with the highest level of representation was between age brackets 36-40 years. This is a mature age bracket whose responses can be relied upon to draw meaningful conclusions regarding the preparedness levels to combat white collar crime.

4.3 Resources available for white-collar crimes management

Subjects were asked a series of questions regarding the availability of resources/allocation of resources that aid in combating white-collar crime in their departments. The questionnaire captured a good number of questions concerning departmental resources, funding, equipment, training and staff designated to investigate white collar crime. On this regard, the respondents were required to indicate whether their departments receive adequate resources to help them pursue or detect arrest and investigate white collar and other related crimes. The majority 209 (69.3%) of the respondents generally believed that their departments did not possess adequate resources/tools required to effectively investigate white collar crime, as opposed to 32% of the respondents who held a centrally view. These findings were similar with those in Burns et al. (2004) and Vahdati and Yasini, (2015), who found out that law enforcement agents lack the necessary infrastructure to merge the new and clever methods for white collar crimes that are used perpetrators.

4.3.1 Extent to which Allocation of Resources assists in fighting white collar crime

In order to establish whether availability of an appropriate mix of resources in each police department is an effective element required to successfully combat fraud and other forms of white collar crime, the respondents were asked to identify the extent to which allocation of adequate resources (i.e. appropriate infrastructure, tools or equipment, funding and a trained personnel) to their departments assists in fighting white collar crime.
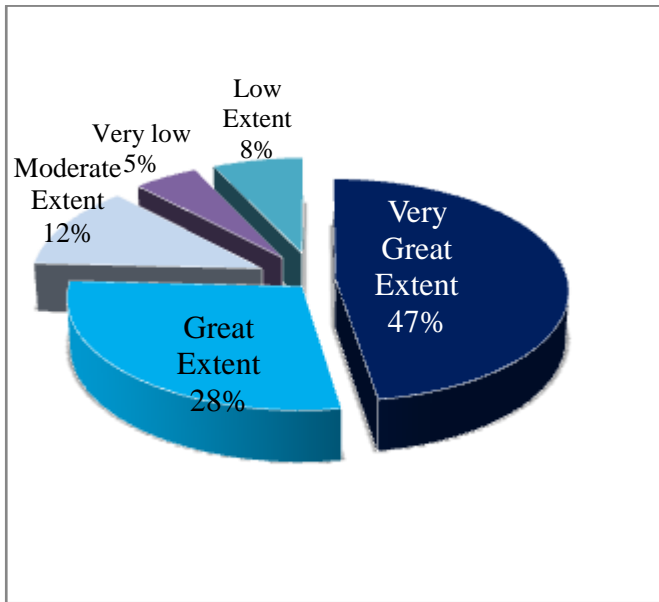
Their responses are summarized in Figure4.1 below:

Figure 4.1 Extent to which adequate resource allocation assists in fighting white collar crime

From the study findings, majority of the respondents 49% believed that adequate resource allocation including funding, information sharing and expert assistance is likely to facilitate greater incidence of white collar crime reporting/investigation to a very great extent (Figure 4.1). Approximately 28% believed that availability of adequate resources is an effective crime combating element to great extent while 12% of the respondents agreed to moderate extent. On the other hand, cumulatively 13% of the respondents disagreed to a low extent. This evidence is sufficient to suggest that adequate/availability of adequate resources has a significant and positive relationship with fighting white collar crime. These findings are consistent with those reached by Hinduja (2004), that infrastructure/investigative resources are very essential to law enforcement officers to enable them deal with electronic related crime, a view that is also supported by Wilhelm (2004), who alludes that Information technology resources, trained staff and other resources are key to the success/failure of the activities by law-enforcement agents in combating white collar crime.

4.3.2 Resource Allocation and Infrastructure Preparedness

To tests the level of preparedness in terms of resource allocation i.e. procuring the necessary equipment, adequate staffing, funding and establishment of modern forensic laboratories, the respondents were required to indicate the extent to which different resources were availed to their respective departments. This was tested on a five-point Linkert scale 1-5 where 1 represented "Strongly agree, 2 represented "Agree", 3 represented "Neutral", 4 represented "Disagree" and 5 represented "Strongly disagree". The findings are as presented in Table 4.3below.

Table 4.3 Resource allocation and infrastructure preparedness

n=302

Statements	Mean	Std. Dev.
We have procured the necessary tools/equipment that are vital to investigate internet and other fraud.	2.364	1.216
Our department emphasizes on effective recruitment and deployment of law enforcement officials	2.718	1.119
The police and other law enforcement agents are adequately funded by national treasury/other stakeholders.	1.851	1.173
Our departments have well-equipped forensic laboratories to detect, collect, evidence for further evaluation and arrest.	2.050	1.332

Source: Survey data (2018)

From the results in Table 4.3, most respondents indicated that police departments in Kenya emphasized on effective recruitment and deployment of law enforcement officials that are tasked with the responsibility of investigating white collar related crime as shown by a mean of 2.718. The results also indicate that most departments in the NPS have procured the necessary equipment that is vital in investigating internet and other related fraud as shown by a mean of 2.364. In that order, the study also reports that the Police have modern forensic tools that enable them to detect, collect crime related data/evidence for further evaluation and eventual arrest at a mean of 2.050 while the least of the statements being the issue of adequate funding by the national treasury and other stakeholders to enable them to fight white collar and other related crime (with a mean score of 1.851). From the above responses, there was a significant difference in the responses that were given on adequacy of resource allocation to combat white collar crime since the standard deviation of all statements was greater than one (Sdt dev. >1).

These findings display some similarity with the setting in the USA where Burns, et, al (2004) also found out that most police departments were adequately staffed to address internet fraud and other related crimes but maintained that their departments were being provided with adequate/modern tools to address such crimes. However, a report by the Defense Forensic Centre (2015), presents divergent/contradicting views that law enforcement agents including forensic labs in

the US are adequately funded, staffed and provided with the necessary equipment that is vital in combating white collar crime in real time.

4.4. Strategic Preparedness

Under this section, the respondents were asked to indicate whether or not the National Police Service has put in place sound policy measures/strategies that are important to preventing and investigating white collar crime. The results from this question have been presented in Figure 4.2 below:
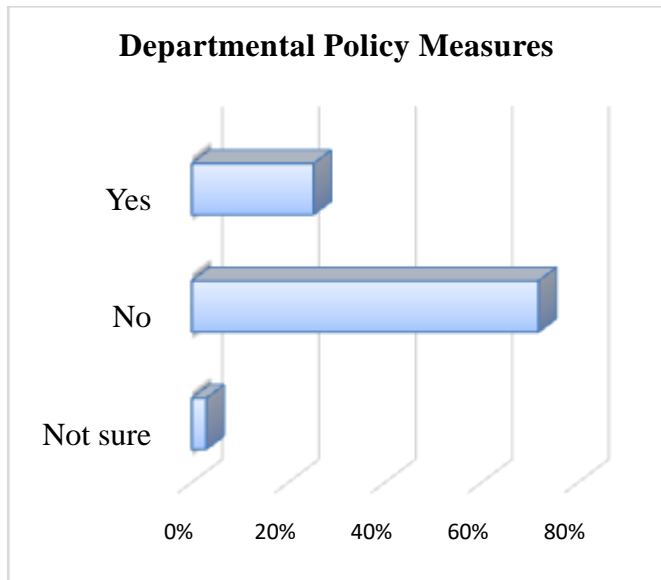

Figure 4.2 Policy to deal with white collar crimes

The findings as shown in figure in 4.2 indicate that, the respondents believed the police (law enforcement) officers in Kenya have no sound policy measures that are geared towards fighting modern day crime as seen by 72% of the respondents with only 25% of the respondents indicating that there are some mechanisms/strategies in place. The former is confirmed by a report in local dailies (Kenya's Standard newspaper of February 23rd, 2011) that the fight against crimes in Kenya is hampered by non-availability of modern and up-to-date scientific mechanisms, to trace and punish well executed and intricately planned schemes of white collar crime. This report further concludes that a lukewarm attempt to fight cybercrime was made by the enactment of Kenya Communications (Amendment) Act and computer related crimes, an enactment of December 2009 and not yet given a commencement date, is a sad example of the countries will not put in place a machinery to combat the ill of money laundering despite international pressure. This is also echoed by Gottschalk (2012), asserts that Kenya will continue to be a warm breeding ground for cartels of criminal activity unless crime detection and prevention is confronted collectively, and not in a disjointed, piecemeal manner.

4.4.1 Specific Statements on Strategic Preparedness

To test the strategic preparedness level, the respondents were asked to indicate the extent to which they agreed or disagreed with specific statements. The findings were as presented in 4.4below:

Table 4. 4 Strategic preparedness

n=302

Statements	Mean	Std. Dev.
Installation of CCTV surveillance in public areas and offices is sufficient to white collar combat crime	3.805	.713
Digitization of government services (i.e. IFMIS, PMIS) helps in minimizing white collar crime.	3.657	.685
Equipping security organs with modern tools/equipment required to detect and investigate white collar crime.	3.212	.891
Tightening of the existing laws is helpful in combating white collar crime	3.477	.719

Source: Survey data (2018).

The findings in Table4.4, show that majority of the respondents were of the opinion that CCTV surveillance cameras that are installed in public areas/offices are sufficient to combat white collar crime as shown a mean of 3.805. This was closely followed by a view that digitization of government services (i.e. IFMIS, PMIS) helps in minimizing white collar crime which registered a mean of 3.657; again, tightening of the existing laws is helpful in combating white collar crime (mean score of 3.477). The study also established that the respondents were still positive that equipping security organs with modern tools required to detect and investigate crime will enormously reduce white collar crime (shown by a mean of 3.212). From these responses, there was no significant difference with regards to strategic preparedness by law enforcement officers (standard deviation <1).

According to Burns et al., (2004) addressing white collar crime requires law enforcement officers to adopt more innovative procedures and strategies that can oust the tricks of perpetrators. In a similar study, Jamieson, Stephens and Winchester (2008), also alludes that the level of perpetrator sophistication, high-tech crime innovations and criminal networking capability creates significant challenges for law enforcers in developing countries like Kenya)to detect and prevent or deter the occurrence of white collar and other fraud related crimes, this makes them ill prepared to combat such crime.

4.5 Preparedness level through Training

The study sought to establish whether the NPS had in place a definite method for accessing immediate and future training needs that are geared towards fighting white collar crime. On the same note, subjects were asked an oral question (interview question) regarding the training level on white collar crime

received by police investigators. The findings are as presented in Figure 4.3 below:
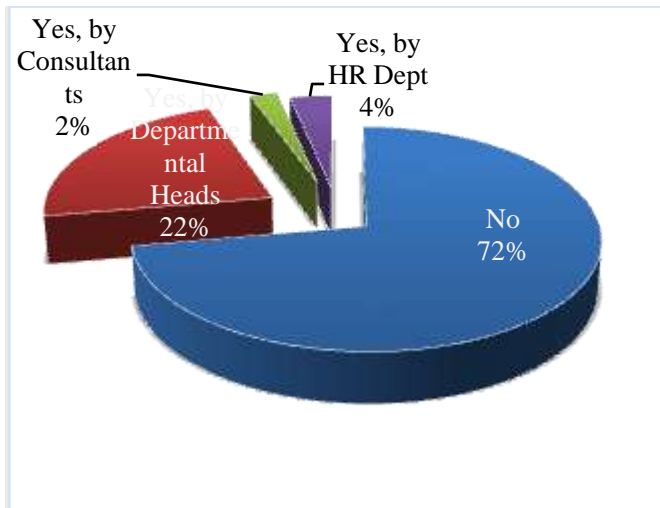

Figure 4. 3 Availability of departmental training-need-assessments

Results from Figure 4.3 indicates that majority of the respondents (72%)) generally believed that their departments/sections did not have in place a process for assessing training needs for its officers with regard to white collar crime while 22%) of the respondents believed that departmental heads had a way of assessing the training needs. When asked a random question on the training levels received by investigators with regard to white collar crime detection and investigation, only 22 (7.4%) of the 302 respondents within responding agencies indicated that that they had received training concerning computer related crimes. This percentage is minimal compared to 54.3% of the respondents in a study that was conducted by Davis (2012), in North Carolina-USA. In fact, in terms of training, one can clearly suggest that majority of the law enforcement officers in Nairobi City County, Kenya were unprepared to fight white collar crime

4.5.1 Facets that Relate to Training Preparedness

To test personnel preparedness, respondents were asked to indicate the degree to which they agreed or disagreed with specific statements on training. As indicated below Table 4.5presents the results of the responses:

Table 4. 5 Preparedness level through training

n=302

Statements	Mean	Std. Dev.
Those responsible for white collar investigation are adequately trained and motivated	3.795	.906
Workshops/seminars are used to occasionally equip staff with white collar crime prevention related skills	3.538	.711
Professional training programmes like Certified Fraud Examiner (CFE) are often encouraged to increase staff competency	3.843	.632
We provide continuous refresher courses on new and innovative ways of detecting white collar crime	3.212	1.213

Source: Survey data (2018)

The findings of the study indicated that there Professional training programmes like Certified Fraud Examiner (CFE) are often encouraged to increase staff competency as shown by a mean of 3.843, but the question to be answered is that: is the course sponsored by the NPS or by individuals? On a similar note, results indicate the respondents agreed that those responsible for white collar investigation are adequately trained and motivated (mean=3.795); Again, the study established that there is greater use of Workshops to occasionally equip staff with white collar crime prevention related skills (at a mean of 3.538). Provision of continuous refresher courses on new and innovative ways of detecting white collar crime was also found to have been in place (at a mean of 3.212). However, the respondents displayed a reasonable degree of disagreement on the availability of refresher courses (i.e. Std. dev= 1.213). These assertions are consistent with those researched by Burns et.al. (2004) where most respondents in the USA reported using seminars and workshops as part of their training (i.e. forensic software training, digital crime investigation etc.) as part of their training to fight white collar crime.

4.6: Collaboration/Cooperation

Under this section, the study sought to establish the extent to which collaboration with other law enforcement organs helps in managing white collar crime. Using a scale of 1 (very great extent) to 5 (Very low extent), respondents reported the following results:
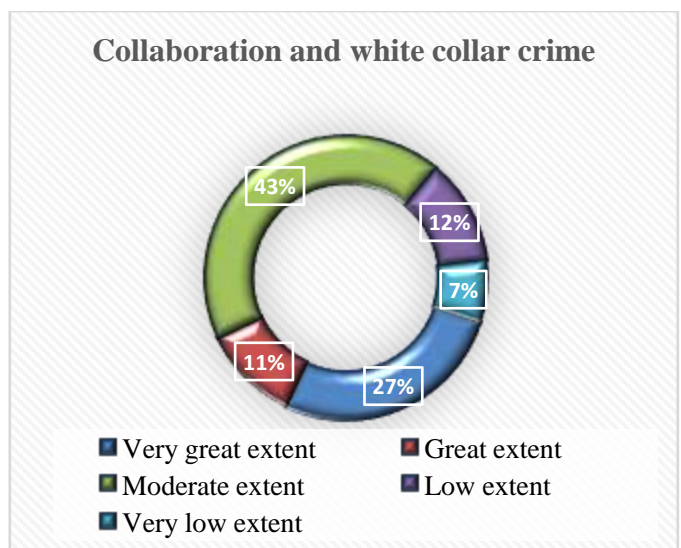

Figure 4.4 Extent to which collaboration/cooperation help in fighting white collar crime

From the results in Figure 4.4, the respondents believed that collaboration with other law enforcement agents help in

managing white collar crime effectively to a moderate extent (43%), while 27% of the respondents believed that it affected to very great extent, notably others believed that it affected to low and very low extent at 12% and 7% respectively. According to Burns et al., (2004) a handful of researchers (Groover, 1996; Lichtblau & Perry, 2001) have indicated that to effectively address computer crime, internet fraud and other white-collar crimes, police officers should cooperate with other law enforcement groups. Groover (1996), suggested that white collar crime could effectively be addressed through having various groups specialize in particular areas with an aim of preventing officers from becoming overwhelmed through having to master such a wide array of crimes.

4.6.1. Specific Statements on Collaboration/Cooperation

According to Gottschalk et al., (2011) collaboration/cooperation includes the exchange of intelligence information with other law enforcement agents both local and international and other trade organizations vital to reduce white collar crime. To evaluate preparedness level in terms of cooperation/collaboration with these agents, respondents were asked to express their opinion with regards to specific statements. The findings are as presented in Table 4.6 below.

Table 4.6 Preparedness level through collaboration

n=302

Statements	Mean	Std. Dev.
The police have established clear links with other law enforcement agents to help in collectively managing white collar crime	3.622	.755
There is an emphasis on a strong bond between the Police and National	3.815	816
Intelligence Service to gather lead information on white collar crime There is good cooperation between local and international law enforcement agencies to fight white collar crime	3.729	.914

Source: Survey data (2018)

The findings in Table 4.6 show that an emphasis on a strong bond between the Police and National Intelligence Service to gather lead information on white collar crime as shown by a mean of 3.815. The study also found out that police departments have good cooperation between local and international law enforcement agencies with a view to fighting white collar crime (mean score of 3.729). The respondents also indicated to a lower extent that the police have established clear links with other law enforcement agents to help in collectively managing white collar crime (3.622). These findings are similar with those in Burn et al., (2004) and Vahdati and Yasini (2015), who collectively report the existence of cooperation and collaboration among law enforcement agencies to address internet fraud in the US.

4.7 Analysis of Results

Four variables were used as predictors to test the association with preparedness level to combat white collar-crime. All the variables were found to have a positive and significant relationship with preparedness level as indicated by the sign on each variable. A chi-square test of independence/ association was used at .05 level of significance and the results were presented in Table 4.7below:

Table 4.7 Statistical significance of white collar crime prevention preparedness

Predictor variable	X^2 probability	X^2	Degrees of Freedom
Resources (+)	< .001	31.35	5
Strategies and Policies (+)	< .001	44.99	1
Training (+)	.013	12.73	1
collaboration/cooperation (+)	< .001	22.06	3
Valid Cases: 299			

Source: Survey data (2018).

From the results in Table 4.7 above, preparedness levels were strongly/positively correlated with all the variables as seen by the significance probability values/asymptotic significance values as denoted by the alpha coefficient of less than 0.05 (α<.05). This basically meant that there was a significant association between all independent variables (resource allocation, strategies/polices adopted, training on white collar crime, and collaboration/cooperation with other agencies) and the independent variable (preparedness to combat white collar crime). Most respondents from different groupings i.e. male and female officers of all age categories and academic qualifications indicated that law enforcement agents in Kenya were generally ill prepared to fight white collar crime. This is still evident from their unanimous responses on inadequacy in the allocation of resources (both financial and non-financial), poor cooperation/collaboration and training programmes that are key in adeptly investigating, monitoring and controlling/combating white collar and other associated criminalities.

On a general view, the installation of CCTV surveillance in public areas and offices (i.e. strategies and sound policies) registered higher preparedness scores. An analysis of interview questions largely revealed that corruption (i.e. tenderpreneurship and other acts of bribery); money laundering, embezzlement/misappropriation of public funds/resources as the most prevalent crimes. Cyber-hacking/internet fraud and were also perceived to be problematic. Lack of accountability in the use and allocation of public has deepened and worsened. The 2015 and the 2018 incident where Ksh. 791 million and the Ksh. 9 Billion of national youth service were fraudulently paid to bogus contractors is a public financial management flaw which according to Soreide and Rose-Ackerman (2018), is a

revelation of inadequately prepared security agents to deal with white collar crime. These findings are consistent with a statement by Kenya's immediate former Attorney General (AG) as cited by the Bloomberg 2016 report that "Kenya is facing an increased amount of white collar crime, a situation that is untenable". This demonstrates little preparedness levels to combat white collar crime.

Generally, many respondents reported that security agencies in their current form and shape may not be able to deal with white-collar crimes in Nairobi City County. Some of the reasons cited included; inadequate resources, inadequate investigations capacity, lack of a centralized crime and criminals' data, inadequate number of professionals in forensics, weak organizational culture, and rapid development of ICT and cyber related threats that the police cannot match. Burn et al., (2004) and Vahdati and Yasini (2015), also reported similar findings with lack of enough/properly trained staff and inadequacy of resources featuring conspicuously as some of the factors that hinder the efforts of security agents in their attempts to address internet fraud.

Another challenge that was mentioned by the respondents during the oral interview to encumber their preparedness was the lack of modern crime investigation equipment which according to Mbaya (2016), even when the equipment is available, there is not enough of it. With the unavailability of a forensic laboratory in Kenya many white-collar crimes go unsolved. The service has over the time been relying on foreign laboratories to conduct tests for evidence on issues under probe (Kenya's Vision 2013 Progress report, 2017). The respondents also identified the challenge of mobility to the crime scene with only one functional vehicle serving the whole of Nairobi County. The respondents emphasized that the biggest challenge is in training since this is limited; they are not exposed to new skills and only a few officers attend those training programmes.

The study also found that Police departments have good cooperation between local security organs and other international law enforcement agencies, however not far-reaching. On this regard, more efforts are needed to reach out agents like; Office of the Auditor General, EACC and the Judiciary, amongst other agencies. To facilitate cooperation/collaboration Groover (1999) suggested that white collar crime could be effectively be addressed by establishing a special unit of officers that are charged with a sole responsibility of white collar crime investigation and prevention. This would perhaps reduce cases of having few police officers handling a wide array of crime investigation cases and eventually enhance effectiveness in crime prevention

V. SUMMARY OF THE RESEARCH

The study revealed that there was a significant and strong relationship between the four variables and preparedness level to deal with white collar crime.

Adequacy of Current Resources Available to Effectively Manage White-Collar Crimes in Kenya

in combating white collar crime.

Conclusion

The study concluded there were inadequate resources to fund law enforcement agents with relevant skills in terms of training capacity, formal IT training and other refresher programmes and to establish a forensic laboratory at the Kenya Directorate of Criminal Investigations (DCI) headquarters to expedite the process of handling white collar crime.has been very slow thus derailing the preparedness levels

The following recommendations were advanced by the researcher

1. The government should allocate more funds and resources to enable law enforcement agents to procure modern gadgets that track internet activities
2. The agents and forensic experts need to be given proper training and be recruited from the smart people in society who are perceived to be supper intelligent for them to enabled in their investigations.
3. efforts are should made to the; Office of the Auditor General, Ethics and Anti-corruption Commission (EACC) and the Judiciary, amongst other agencies to support the fight against white color crime.
4. The legal framework Strengthened should be strengthened to enable the government the judiciary the legislature and the society to play a commited role infighting white color crime and corruption..

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