

Security Implication of Mutual Police and Societal Corruption in Nairobi County, Kenya.

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ABSTRACT

This paper uses data collected for an MA Thesis on the security implication of the mutual police and societal corruption in Nairobi County, Kenya. The study was motivated by increased insecurity in Embakasi North constituency despite tight security in the area. This study attributed this to mutual police and societal corruption that this study sought to establish. This study was guided by the Erosion Theory (ET) of corruption explaining why so many potentially good people get drawn into the vice. The study used crosssectional survey design and stratified random sampling techniques and enlisted, 196 respondents and 10 Key Informants (K. I's). The main data collection methods were the questionnaires for the main respondents and interviews for K. I's. The main data collection tools were the questionnaires and Key Informants schedules. Quantitative data will be analyzed with the aid of statistical package for social sciences (SPSS). This study unraveled both, Macro and Micro police contextual obstacles where the extent and implications of the state organs such as the legislature, executive, and justice sector institutions suggested corrupt political contexts, hence constraining policing function with criminological approaches to corruption. With reference to the second objective, the study revealed the main forms of police corruption in the area which included receiving bribes to; release suspects from lawful custody, assist suspects evade arrest, cover up criminal activities, reveal police operations; protection of illegal activities, evidence tampering & theft and disclosure of privileged Information amongst others. These forms of corruption benefited organized criminal groups, which were said to be potentially risky to an extent of disabling both individuals and entire institutions, besides seeking state capture; in polity and economy. Finally, the study revealed a deeper relationship between police and society corruption based on determinant factors such as culture (p=0.01), systemic failure of governance(p=0.01), and failed economy (p=0.02). Deeper insight of police corruption seems to draw from a society wide cultural corruption paradigm. This study recommends that recommends an anticorruption approach that goes beyond targeting "bad apples" and adopt a systems approach. Further, Political will from a benevolent dictator with presidential degrees on matters corruption will help crush this cancerous vice to the nib.

Keywords:

INTRODUCTION

One of the most contemporary global concerns in many states including Kenya is the issue of police corruption (Goldstein, 1975). This concern hinges on the fact that the police are vested with the arduous responsibility of maintaining law, order and prevent crimes to guarantee the security of the entire citizenry. Even though scholars, practitioners and experts have argued that in the management of corruption, one has to concentrate on the epicenter of corruption; the public sector especially in the police service (Kibwana, Wanjala, & Owiti, 1996) this study will take wider view and also focus on society itself as a major player if police corruption is to be cured.

As stated in the United States Agency for International Development (USAID) brief (2007), police corruption is nearly always a function of larger systemic problems caused by the lack of overall



transparency, the absence of checks and balances, weak rule of law, and fragile institutions (USAID,2007). The implication here is that police corruption goes beyond individuals in the Kenya police service to other societal structures and institutions. As the former United States (US) Secretary of State Clinton (2009) noted in a speech in Nairobi, 'the absence of strong and effective democratic institutions has permitted on-going corruption, impunity, politically motivated violence and a lack of respect for a rule of law'. Clinton (2009) further said, "True economic progress also depends on responsible governments that reject corruption, enforce the rule of law, and deliver results for their people". Hence, this study presupposes a nexus between police corruption and society societal corruption which works to the detriment of the national security of many states more so in Kenya.

National security is one of the major hallmarks of a sovereign state in the international system to guarantee the security to its citizens and that of its territory (Kenney & Dumm, 2010; Mueller, 2008). Brown (1982) holds that the concern for the security of a nation is undoubtedly as old as the nation-state itself. In the context of the nation-state, the central feature in the quest for national security is therefore the concern for the survival, peace and progress of individuals, groups and the society as a whole.

Goldstein (1999) sees national security as closely connected to the preservation of the borders of a state and in terms of the power to maintain a government's sovereignty within its territory. However, the editors of the Africa Research Bulletin (2000) see national security in terms of the capacity to achieve reconciliation among the diverse groups in the society. This mandate has been in many countries the preserve of the police. Additionally, O'Brien (1995) in explicating a somewhat different idea of national security conceptualized national security to be more than just safety from the violence of rival militaries. Whereas the definition of national security seems to be a subject of continuing debate, this study sees the police as an important arm and a key player in national security issues. Hence, according to this study, a failed police service as a result of corruption may end up affecting other agents of national security resulting to dysfunction of the whole security system.

Even though there are other definitions of police corruption, this study adopts a broader functional definition of police corruption as postulated by Kleinig (1996). Kleinig (1996) defined police corruption as any act or omission, a promise of any act or omission, or any attempt of action or omission committed by a police officer or a group of police officers characterized by the police officer's misuse of their official position to achieve personal/private or organizational gain or advantage (Kleinig, 1996). According to scholars such as Sherman (1978) and Goldstein (1975) police corruption remains a global social problem no matter the level of development. The only difference however, seems to be noticed in the nature and dynamics of police corruption and the public perception of each society (Sherman, 1978; Goldstein, 1975). The Knapp Commission, which investigated corruption in the New York City Police Department (NYPD) in the early 1970s, similarly reported high level police corruption in the US. The commission divided corrupt officers into two types: *meat-eaters*, who "aggressively misuse their police powers for personal gain," and *grass-eaters*, who "simply accept the payoffs that happen in instances of police work."

Transparency International reported that police in eighty-six countries were judged the fourth most corrupt public institution after political parties, followed by public officials generally, and parliaments and legislature in that continuum (Transparency International, 2010). Corruption was reported to be worst in sub-Saharan Africa, the newly independent states of the former Soviet bloc, the Middle East, and North Africa (Human Rights Watch, 2010). In addition, the survey conducted in India in 2005 by Transparency International (T.I) ranked police the highest among nine public services on its corruption index. They termed police corruption as severely regressive, with people in the lowest quintile of income reporting most frequently that they had paid bribes to police. The World Bank also reported that in twenty-three countries studied, people saw the police not "as a source of help and security, but rather of harm, risk, and impoverishment" (Human Rights Watch, 2010). The report also made similar observations in Sierra Leone,



South Africa.

According to Ochoche (1998) the police in Nigeria, as in many other African countries, have not been able to maintain domestic security, defend the national interest nor uphold the protection of lives and property of the citizens. The failure of the police in Nigeria to fulfill its constitutional role has ensured that the police has remained distracted and has failed to distinguish itself in the political realm of life into which it has intruded. According to Luckham (1998) there exists a tension or contradiction between the manifest and latent functions of security and as such have failed to achieve operational efficiency, institutional solidarity and stability. Judging from the above positions is undoubtedly a direct relationship between police corruption and national insecurity.

According to the Kenya constitution (2010) and other statutes, the police are one of the three national security organs in Kenya. However, the police in Kenya have consistently been ranked as the most corrupt institution in the country, and this continues to be the case despite ongoing attempts at police reforms. Among the lethal consequences of police corruption may be its impact on rising crime rates. Consequently, eradicating police corruption remains a key policy agenda of the government. In addition, persistent police corruption may result to a chain environment of personal and collective impunity that negates their constitutional mandate to fight crimes and any forms of insecurity. For example, Kenya has experienced severe and fatal attacks since the 1998 bombing of the U.S. embassy in Nairobi. Terror attacks intensified, with the highest threat peaking with the entry of the Kenya Defense Forces into Somalia in 2011. Despite the police presence there were retaliatory and sporadic attacks in Kenya by Al-Shabaab occasioning an unprecedented era of insecurity characterized by constant threats of attacks, radicalization, bombings, and kidnappings.

According to Kempe (2012) Kenya is one of the most corrupt countries in the globe with 70 percent of Kenyans paying a bribe (Transparency International, 2013). According to the report, only three other countries had more people paying bribes: Sierra Leone (84 percent), Liberia (75 percent), and Yemen (74 percent). According to Pyman, Bock, Vidal de la Blache, Mustafa, and Zaum(2014) when a country's citizenry are corrupt most often than not corruption permeates its institution leading to weak borders as is the case in Kenya, giving terrorist and other criminal organizations, for example, room to flourish. Furthermore, with the police being corrupt and even predatory, instead of serving the public they are often sources of insecurity themselves rather than providers of security and they then become people to avoid, not to seek out, in the event of trouble. That is why this study goes a notch higher to examine the nexus between societal corruption and police corruption and the consequent effects to national security.

PROBLEM ANALYSIS

One of the emerging global concerns in many states including Kenya today is the issue of police corruption. This concern hinges on the fact that the police are vested with the arduous responsibility of maintaining law, order and prevent crimes to guarantee the security of the entire citizenry. According to the Kenya constitution (2010) and other statutes, the police are one of the three national security organs charged with security of Kenyans. However, the police have consistently been ranked as the most corrupt institution in the country, and this continues to be the case despite ongoing attempts at police reforms. The lethal consequence of police corruption has been tied to rising crime rates. Consequently, eradicating police corruption may result to a chain of personal and collective impunity that negates their constitutional mandate to fight crimes and any forms of insecurity. With regard to policy agenda on police corruption however scholars, practitioners and experts have focused on the police, negating the wider context in which policing takes place; the society itself. Previous studies indicate that Kenya is one of the most corrupt countries in the world. Hence, this study assumes that searching for the cure of police corruption can only be



possible if the context is also subjected to systematic investigation and analysis. This study will therefore take a wider view and also focus on society itself as a major player if police corruption is to be cured, hence the rationale for the study.

METHODOLOGY

A descriptive cross-sectional research design was employed in the study. Mixed methods were used to capture information. The target population for the study was the 196 public respondents. The research took stratified random sample design to ensure that no sub-population is omitted from the sample and access the respondents. Data collected through questionnaires were sorted, edited to check for completeness and consistency, coded and entered into statistical software for analysis. Descriptive statistics (mean, standard deviation) was used to analyze data by use of Statistical Package for Social Sciences (SPSS) software version 25. Qualitative data from key informants was systematically and thematically arranged, summarized, and interpreted.

RESULTS AND DISCUSSION

This study established the security implication of the mutual police and societal corruption in Nairobi County, Kenya. The first objective sought to examine perceptions on the context of policing and its influence on police corruption in Embakasi North constituency. The variables that were measured include; According to this study, the general trend with regard to the influence of public institutions corruption on police corruption is that of respondent's perceptions that legislature corruption, Justice sector institutional corruption, executive corruption, and citizens' experiences of corruption in the public institutions and their propensity to corrupt.

Perceptions about the influence of public institutions corruption on Police corruption legislature corruption

With regard to respondent's perceptions on how legislature corruption influences police corruption, the study revealed that even members of parliament, in particular, in security committee of parliament having the authority to systematically dismantle corruption networks including that of the security sector, sometimes use these powers to protect members of the criminal gangs in exchange for financial support favors especially during campaigns. These cartels are as a result difficult to police or investigate because of such higher protection and may sometimes bribe lower ranking police officers in order to go slow in investigations. This is in concurrent with Kempe (2018) who argued that Persistent police corruption derives from a systemic failure of governance wherein the principal institutions responsible for ensuring police governance, the observance of ethics and integrity standards, and enforcing the rule of law are compromised and may themselves be infested with corrupt individuals and syndicates (Kempe, 2018). This painted a picture that police corruption is as a result of systemic corruption.

Executive corruption

With regard to respondent's perceptions on how the executive corruption influences police corruption, the study found that at times, those in political authority like the cabinet secretaries, their deputies, and other senior government positions interfere with police investigations, the initiation of false investigations, the "framing" of political opponents. Most commonly it is motivated by a need to discredit political or interest groups for the benefit of others and also to favor certain groups versus their competitors in the political or business arena. Further, these authorities connive with senior police managers at times to divert police resources be awarded shady contracts and that intended to buy state of the art tools and equipment for kickbacks and other pay offs. The net effect is that police end up soliciting funds from members of public in



order to perform their legally mandated duties"

Perceptions about the influence of Justice sector institutional corruption on police corruption.

With regard to how Justice sector corruption, many Judges and Magistrates solicit for bribes to dismiss charges, fast-track a case or slow down trials. Judges can also be bribed, or subjected to political pressure and interference from above". When these criminals are released and return back to the society, then commit more serious crimes, upon arrest after committing such crimes, the study found that, temptations to resist future bribing attempts to the police were not easily overcome. Most police officers accept the bribes to keep peace with criminals. The implication here is impunity and partial justice. This lends support to what was Kiai (2010) that when corruption pervades the justice system, people can no longer count on prosecutors and judges to do their jobs. The powerful may escape justice and citizens, especially those with few resources or few powerful allies, may be unfairly accused of crimes, deprived of due process, and wrongly imprisoned.

This lends hand to what was argued by Shleifer and Vishny (1993) that the problem of corruption in lower levels of governance derives from blatant abuse of government rules by corrupt bureaucrats. They further argue that, this happens when an extortionary bureaucracy outlives its usefulness and may become a hindrance by changing governance objectives of the increasingly benevolent ruler. In other words, corruptly legitimizing all government action.

Citizens' experiences of corruption in the public institutions and their propensity to corrupt.

This study found that corruption is rampant and is everywhere. They bribed to get public service; getting employment/recruitment. They further bribed for illegal water and power connections at cheap prices or to get a tender, or to get good school for your children. The above finding concurs with by Kiai (2010), Wrong (2014) and Wagner (2014) who argued that corruption is persistent in Kenya primarily because institutions such as the legislature and the judiciary, and many executive entities have been both weakened and/or become major perpetrators of corruption themselves as well as conduits through which corrupt activities flow. In addition, the rule of law and adherence to formal rules are not rigorously observed, patronage has become standard practice, the independence and professionalism of the public sector have been eroded, and the average Kenyan has come to see corruption as an inevitable facet of life.

The second objective sought to establish the different types of police corruption and their influence on security in Embakasi North constituency, in Nairobi County. The different types of police corruption prevalent in Embakasi North constituency include receiving bribes to; release suspects from lawful custody, assist suspects evade arrest, cover up criminal activities, reveal police operations; embezzlement of funds intended for police operations or purchase of security equipment, protection of illegal activities, evidence tampering & theft and disclosure of privileged Information; corruption of authority in promoting unqualified officers, 'Kickbacks', Opportunistic theft, Shakedowns', Internal payoffs, flaking' or 'padding'; appointment of police chiefs based on ethnic orientations and partiality in promoting officers; corruption of authority e.g. to influence police recruitment where unqualified cops are employed; and Police in criminal activities such as violent robberies.

The above findings lend support to a study by Nepal (2010) which argued that propensity by the police to solicit for bribes is usually exploited by criminals who want short cuts to evade security checkpoints or borders. The implication here is that this opportunity may be used to sneak in explosives and bomb related materials that can be used against the security apparatus of this country to the detriment of national security.

As suggested by 95% of the respondents' corruption of authority e.g. to influence police recruitment where unqualified cops are employed, about 95% of the respondents opining that corruption of authority in



promoting unqualified officers, and appointment of police chiefs based on ethnic orientations have a hand in the general architecture of the whole police service and strongly determines the efficiency of the police service. This is in support of findings by Andvig and Fjeldstad (2008) who argued that corrupt personnel policies, or systems that allow police officers to buy official positions, reduces the overall quality of the security sector.

Perceptions on the influence of police corruptions on security in Embakasi North constituency, in Nairobi County.

The study found that police corruption increases the crime rate and may even contribute to the development of large scale organized crime. The net effect is its negative impact on economic growth by discouraging foreign direct investment, in addition to staining the country's international reputation as an unstable and non-secure environment. This agrees to findings by Ombaka (2015) and Odula (2014) who equated police corruption to experts' corruption with a detrimental effect of exposing the country to terrorism, and further insecurity resulting into a failed state or weak state. Further this lends support to a finding by the Kenya National Commission for Human Rights report in 2014 which revealed that organized criminal gangs [in Kenya] have infiltrated the police service making it difficult for the police to respond to the challenge of national and transnational crime.

Further, the study found that, entrenched corruptions in the security system has enabled Al-Shabaab and other criminal elements to move freely in and out of Kenya and carry out terrorist attacks with ease. These terrorist groups depend on unimpeded cross-border movements, and so the police and other border guards, customs officers, and immigration personnel are their notable targets of corruption. They sneak in illegal arms and ammunitions, which are very rampant in Nairobi, in the hands of criminals. This finding concur with the Meservey (2015) and Higgins (2015) assertions on the cost of police officer's corruption argued that it undermines war on terrorism and further escalating Al-Shabaab Violence. The study sought to establish the major security concerns in in Emabakasi North constituency. Major security concerns in the area included; robberies (89.1%), abductions (100.0%), Car thefts (72.1%) and burglaries (46.2%). This therefore indicates that insecurity is becoming a threat in the area hence a need to avert the situation and cut the crimes at the nib.

The third objective sought to establish perceptions of determinants of Police-society corruption and their influence on security in Embakasi North constituency. A Correlation analysis and Regression analysis were carried out to establish the nature and strength of relationship between police-society corruption and factors perceived to influence police society corruption. The variables of interest that were measured include, external institutional factors, economic factors and cultural factors. The first section examined the inferential analysis while the second section explained the influence of police-society corruption on security.

According to the study, there was a positive strong relationship between police-society corruption and institutional factors triggering the corruption, r(89) = 0.432, p=0.001. Similarly, there was a weak positive correlation between police- society corruption and economic factors influencing the corruption r(89) = 0.245, p=0.02. The results further showed a strong positive correlation between police- society corruption and police cultural factors, r(89) = 0.405, p=0.001. An increase in perception on influence of institutional, Economic as well as Cultural factors is predicted to increase perception about corruption between the police and the society

Effect of corruption culture on Economy and Justice Institutions:

According to the study, corruption is a society wide problem and not a police problem alone, it is deeply entrenched and apparently getting accepted as a "culture". It has become like cancer, now eating the moral fiber of our society. For example, in the study area were aliens that made people to wonder how they



acquired identification documents such as passports, identity cards, or even birth certificates from the state officers. Additionally, there are people who knew a number of youths who are not in any gainful employment but who own guns illegally. They frequently use the guns to commit violent crimes and other gun related violence. How they got the guns is a night mare, though we reported to the police, there is still no action. The police are a bit slow in their response. The study found corruption to be more of a cultural problem and deeply entrenched in society. According to the respondents, it accelerates service delivery in the public service. Besides, it doesn't tickle their conscience when for example, bribing to receive a quick public service so long as it works for them.

The above finding concurs with Burite and Gridneff, (2016) that police corruption is a function of larger systemic problems caused by the lack of overall transparency, the absence of checks and balances, weak rule of law, and fragile institutions owing to the fact that, Kenya is regarded as one of the most corrupt countries in the world, barely a distance third. For example, based on the most recent global data from the Global Corruption Barometer of the percentage of people who report having paid a bribe to one of eight services, including the police, Kenya is one of the most corrupt countries in the globe with 70 percent of Kenyans paying a bribe? Only three other countries had more people paying bribes: Sierra Leone (84 percent), Liberia (75 percent), and Yemen (74 percent).

With regard to the economy, poverty and scarce resources exacerbated by weak legislations has contributed immensely to leverage the vice. Due to poverty for example, residents bribed for illegal water and power connections at cheap prices. With regard to external institutions, the study found that once the criminals "oil" the system they create conditions for making super-profitable transactions; they obtain information on measures taken by state bodies to fight them and neutralize it. When they connive and merge with corrupt groups of officials their level of impunity increases. The end result is state capture by corrupt cartels that morphs into powerful, ramified system that may start seeking to dominate a countries economics and politics"

The implication here is that organized criminal groups use corrupt government officials to create an environment conducive to impunity for criminal organizations in their operations; disabling both individuals and entire institutions (Burukin, Vezlomtsev, Vezlomtseva, Zvyagina1 & *Sevalnev*, 2021). Further, Burukin, etal (2021) aver that factors that allow corruption to appear in a special role are the weakness of the state, the underdevelopment or powerful transformation of social norms, the insufficient development of the political structure, the absence of civil society, the existence of significant bureaucratic barriers, and deficiencies in legislation that should regulate the decision of political, economic, social, organizational and administrative problems, as well as the lack of clear regulation of activities of officials regarding the procedure for exercising their powers.

These study findings reveal a deeper insight of police corruption that seems to draw from a society wide cultural corruption paradigm. This is further worsened by a systemic failure of governance wherein the principal institutions responsible for ensuring police governance, the observance of ethics and integrity standards, and enforcing the rule of law are compromised and may themselves be infested with corrupt individuals and syndicates. The result is that a chain environment of personal and collective impunity prevails and police corruption is therefore both perceived and real as running rampant. According to Kempe (2018) that, in turn, has considerable negative impacts on justice or security sector development and performance and is a challenge to nation-building, to maintenance of public order and the rule of law, and to supporting the legitimacy of the state.

This study therefore unravels both, Macro and Micro police corruption narrative where the extent and implications of the state structures in both suggested contexts which integrates politics and inter organizational relations with criminological approaches to corruption. Political elites, parties, and affiliated groups were seen by the public as second only to criminals in responsibility for illegal activities. They were



also seen as responsible for inhibiting the police in enforcing laws and maintaining public order, often through manipulating the promotion and transfer process within the police organization. Hence, such social conditions can constrain police corruption. Police reform is impossible without permission from the political establishment. Regimes must allow reform to occur, providing support in laws and resources as needed. In particular, the supervising ministry must be a compliant partner. The implication here is that organized criminal groups use corrupt government officials to create an environment conducive to impunity for criminal organizations to thrive in their operations; disabling both individuals and entire institutions.

CONCLUSIONS

This study unravels both, Macro and Micro police corruption situation where the extent and implications of the state organs such as the legislature, executive, and justice sector institutions which suggested contexts integrating politics, hence constraining policing function with criminological approaches to corruption. Political elites, parties, and affiliated groups were seen by the public as second only to criminals in responsibility for illegal activities. They were also seen as responsible for inhibiting the police in enforcing laws and maintaining public order, often through manipulating the promotion and transfer process within the police organization.

This study has further revealed different types of corruption in Embakasi North constituency which included receiving bribes to; release suspects from lawful custody, assist suspects evade arrest, cover up criminal activities, and reveal police operations; embezzlement of funds intended for police operations or purchase of security equipment, protection of illegal activities, evidence tampering & theft and disclosure of privileged Information amongst others. These forms of corruption were associated with increase of insecurity in the area. The implication here is that organized criminal groups use corrupt government officials to create an environment conducive to impunity for criminal organizations to thrive in their operations; disabling both individuals and entire institutions.

These study findings reveal a deeper relationship between police and society corruption exacerbated by determinant factors such as culture, systemic failure of governance, and failed economy. Deeper insight of police corruption seems to draw from a society wide cultural corruption paradigm. This is further worsened by a systemic failure of governance wherein the principal institutions responsible for ensuring police governance, the observance of ethics and integrity standards, and enforcing the rule of law are compromised and may themselves be infested with corrupt individuals and syndicates. The result is that a chain environment of personal and collective impunity prevails and police corruption is therefore both perceived and real as running rampant. According to Kempe (2018) that, in turn, has considerable negative impacts on justice or security sector development and performance and is a challenge to nation-building, to maintenance of public order and the rule of law, and to supporting the legitimacy of the state.

RECOMMENDATIONS

In order to address the problem of mutual police society corruptions and its influence on security in Embakasi North constituency, in Nairobi County, the study made the following recommendations;

- 1. This study has unraveled both, Macro and Micro police corruption situation where the extent and implications of the state organs such as the legislature, executive, and justice sector institutions which suggested contexts integrating politics, hence constraining policing function with criminological approaches to corruption. In line with this revelation, this study recommends an anti-corruption approach that takes that goes beyond targeting "bad apples" and adopt a systems approach.
- 2. This study has further revealed different types of corruption in Embakasi North constituency which included receiving bribes to; release suspects from lawful custody, assist suspects evade arrest, cover

up criminal activities, and reveal police operations; protection of illegal activities, evidence tampering & theft and disclosure of privileged Information amongst others. These forms of corruption benefited organized criminal groups, which was said to be potentially risky to an extent of disable both individuals and entire institutions and seek state capture; in both polity and economy. As is the case with other countries, to save this country from corruption and related cartels, the study recommends death penalty to anyone found culpable of corruption.

3. These study findings reveal a deeper relationship between police and society corruption exacerbated by determinant factors such as culture, systemic failure of governance, and failed economy. Deeper insight of police corruption seems to draw from a society wide cultural corruption paradigm. This is further worsened by a systemic failure of governance wherein the principal institutions responsible for ensuring police governance, the observance of ethics and integrity standards, and enforcing the rule of law are compromised and may themselves be infested with corrupt individuals and syndicates. This study recommends a top down approach to fighting corruption. Political will from a benevolent dictator with presidential degrees on matters corruption will help crush this cancerous vice to the nib. Concerted efforts should be done by NGOs and government to economically empower citizens and alleviate them from poverty.

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