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# Security Implication of Crimes Committed by Police Officers, in Nairobi County, Kenya

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*Keywords:* *crimes committed by police officers, recorded crimes, insecurity prevalence of crimes.*

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# Security Implication of Crimes Committed by Police Officers, in Nairobi County, Kenya

Martin Gitau Njuguna [α] & Kibet Ngetich [σ]

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## I. Introduction

Although elusive to many scholars' police criminal behaviour is a global problem that both developed and developing countries are grappling to deal with (Kappeler et al., 1998). According to the Economic Survey (2016) the Kenya National Police Service is responsible for a quarter of all crimes in the country exposing the rot in the law enforcement department. The Economic Survey 2016 report indicated that officers in uniform committed 24,647 out of the total 72,490 crimes that were reported in 2015. According to the survey, the men and women in uniform were mostly involved in drug trafficking, murder, criminal damage and economic crimes, while sex scandals had gone down from 146 in 2014 to 118 cases in 2015. "Dangerous drugs and criminal damage jointly accounted for 72.5 per cent of all reported offences in 2015," the report said, adding that the proportion of female offenders rose to 20.7 per cent compared to 18.4 per cent in 2014. Ethical behaviour and integrity are essential for ensuring that law enforcement agencies operate in a fair and just manner. Officers must treat all individuals with respect and dignity, regardless of their background or circumstances and should at all times operate in manner that does not discredit their ability to maintain public safety and security. Upholding ethical standards helps prevent bias, discrimination, and abuse of power within law enforcement (The Economic Survey, 2016).

## II. A Note on Methodology

Three methods of data collections were used. Questionnaire was administered to the main respondents who included two sets of respondents: serving police officers charged in court and dismissed police officers charged in court. Interview method was used to collect data from K.I who included; senior officers from Kenya Crime Research Centre, Magistrates, Senior Police Officers and investigating officers of violent crimes committed by the officers. Content analysis is a research tool used to determine the presence of certain words or concepts within texts or sets of texts. Additionally, Researchers quantify and analyze the presence, meanings and relationships of such words and concepts, then make inferences about the messages within the texts, the writer(s), the audience, and even the culture and time of which these are a part.

## III. Results and Discussions

*a) Nature of Crimes Committed by Serving Police Officers between 2017 and 2020*

The first objective sought to establish the nature of crimes committed by serving police officers between the years; 2017 and 2020 recorded at the Milimani criminal courts. The results are presented in Table 1.

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*Table 1:* Nature of Crimes Committed by Serving Police Officers between 2017 and 2020

| Crime Category | Nature of Crimes | Frequency(N=45) | Percentage (%) |
|---|---|---|---|
| Violent Crimes | Armed robberies | 10 | 8.5 |
| | Manslaughters | 5 | 11.9 |
| | Grievous body harm | 4 | 21.9 |
| | Injuries through Berserk shooting | 1 | 1.0 |
| | Total | 20 | 43.3 |
| Economic motivated | Frauds | 2 | 11.9 |
| | Stealing | 9 | 9.0 |
| | Bribery | 4 | 8.0 |
| | Extortion | 3 | 11.9 |
| | Total | 18 | 40.8 |
| Drug Related | Drug abuse | 4 | 7.0 |
| | Drug Peddling | 1 | 3.0 |
| | Total | 5 | 10.0 |
| Alcohol related | Affray | 2 | 5.7 |
| | Grand Total | 45 | 100 |

As indicated in Table 1 crimes committed by serving police officers and recorded in courts were categorized into; violent crimes (43.3%), economic motivated crimes (40.0%), drug related (8.9%) and alcohol related crimes (2.2%). Violent crimes included; Armed robberies, Manslaughters, Rape, Assault, Sexual-assault, Kidnapping, Harassment, Grievous bodily harm and Injuries through Berserk shooting. Economic motivated crimes included; Frauds, Stealing, Bribery and Extortion. Drug related crimes such as drug abuse and peddling in addition to affrays that are as a result of alcohol consumption were ranked the lowest.

Notably, these are crimes committed by hire and trained personnel of an agency that has broad constitutional mandated to legitimately prevent crimes and maintain public security by upholding the rule of law. The police have wide-ranging mandate to protect internal security and reinforce friendly relations and public trust and not to break the laws that they were sworn to uphold, an indicator of deficits in legitimacy and abuse of authority that have an implication on national security.

*b) Nature of Crimes Committed by Dismissed Police Officers between 2017 and 2020*

The second objective sought to establish the nature of crimes committed by dismissed police officers recorded at the Milimani criminal courts. This data was obtained from the court registers and court files. The results are presented in Table 2.

*Table 2:* Nature of Crimes Committed by Dismissed Police Officers between 2017 and 2020

| Crime category | Nature of crimes | Frequency (n=45) | Percentage (%) |
|---|---|---|---|
| Violent Crimes | Armed robberies | 18 | 40.0 |
| | Manslaughters | 12 | 26.7 |
| | Grievous body harm | 0 | 0.0 |
| | Burglaries | 2 | 4.4 |
| | Total | 32 | 71.1 |
| Economic motivated | Frauds | 0 | 0.0 |
| | Stealing | 10 | 22.2 |
| | Bribery | 0 | 0.0 |
| | Extortion | 0 | 0.0 |



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| | | | |
|---|---|---|---|
| | Total | 10 | 22.2 |
| Drug Related | Drug abuse | 0 | 0.0 |
| | Drug Peddling | 3 | 6.7 |
| | Total | 3 | 6.7 |
| Alcohol related | Affray | 0 | 0.0 |
| | Grand Total | 45 | 100.0 |

As shown in Table 2 crimes committed by dismissed police officers and recorded in courts included; violent crimes (71.1%), economic motivated crimes (22.2%) and drug related crimes ranked at 6.7%. Violent crimes included crimes such as, armed robberies, manslaughters, and burglaries. Second were the economic crimes that included; stealing only. Lastly were drug related crimes that included peddling only.

c) *Police Officers' Perceptions on the Relationship between the Causal Factors of Crimes Committed by Police and Insecurity.*

The last objective sought to establish police officers' perceptions on the relationship between the causal factors of crimes committed by police and insecurity. Key informants were the main voice as explained below;

With regard to situational factors a respondent stated,

> *Situational factors such as suspect resistance in most cases the officers assess the level of risk in specific situations and contexts such as a suspect holding a gun or some other dangerous weapon threatening to harm the police or people". Other situation that may predispose an officer to commit crimes included; their relatively lower remuneration that increased their propensity to commit crimes such as larceny, accepting stolen goods, bribery, and extortion.*
>
> *Source: Male key informant in his 40s, Senior Police Officer in Nairobi, 2023.*

A key informants had their perception that factors such as resistance from suspects, risks in certain situations, serious threats from suspects and poor remunerations of officers predisposes police officer to engage in law breaking activities.

Observably, as stated elsewhere in this study even though 40.0% of serving police officers committed economic motivated crimes, this is not a justification whatsoever for any officer entrusted to protect the people and uphold the rule of the law with fairness and legitimacy at all times to commit any such crimes. Policy makers may perhaps take it up and look into police officers' welfare that includes their remunerations. It is possible that a pay hike may cut this problem at the nib.

With regard to organizational factors, two major factors influenced police criminality, Low police accountability and organizational reform.

> *"Police operations are still shady and the level of their accountability and organizational reform still low. At this level police will operate with impunity, and get away with it. For example, with regard to organizational reforms, human resource policies such as on police welfare are still inadequate. With regard to police accountability, bodies that are mandated to ensure police accountability are largely ineffective because there are still cover up and inaction of crimes committed by police officers." (Source: Male key informant in his 40s, Senior Police Officer in Nairobi, 2023).*

The above finding casts aspersion on the two major bodies mandated to ensure police accountability: the Internal Affairs Unit and the Independent Policing Oversight Authority. These are likely to be overwhelmed and dysfunctional. The Independent Policing Oversight Authority is a constitutional body in Kenya that is tasked with investigating deaths and serious injuries caused by police action and investigating police misconduct. Besides, political will may be necessary to vet all police recruitments.

With regard to communitywide factors, one major factor that influenced police criminality was rampant corruption. With regard to this variable, a Key informant stated,

> *"Corruption in Kenya is a society wide problem that affects the police as well. For example, 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 some instances senior police officers are lured by corrupt individuals to abuse their office by releasing criminals charged with serious crimes from lawful custody."* (Source: Male key informant in his 30s, Senior Police Officer in Nairobi, 2023)

The above finding that corruption is a major societal problem requires the whole overarching police reforms focusing on societal education on the security and safety risks of corruption when as a result of corrupting police officers' dangerous criminals are released from lawful custody to haunt the society at large and it leads to strained relationship between police and the communities.

d) *Relationship between the Causal Factors of Crimes Committed by Police and Insecurity*

This study also sought to establish perceptions of the relationship between the causal factors of crimes committed by police and insecurity in Nairobi County, Kenya. To achieve this, two correlation analysis tests were carried out; to establish the nature and strength of relationship between the causal factors of crime and



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their perceived influence to insecurity in society and two; perceptions of the correlation analysis between increase of criminal violations and insecurity. The results are presented as follows;

e) *Perceptions of a Correlation between the Causal Factors of Crimes Committed by Police and Insecurity*

A Correlation analyses were carried out to establish the nature and strength of relationship between the causal factors of crimes committed by police and insecurity. The variables of interest that were measured include, three categories of variables were assessed. These were; Situational, individual, organizational level variables. Situational variables were concerned with circumstances, individual variables were concerned with personal factors, organizational level variables were concerned with factors relating to the workplace environment. All are the three indicator variables show whether there is a relationship between each of the variable which are crimes committed by the police and insecurity. The results are presented in Table 3.

*Table 3:* Correlation Coefficients

| Correlations: | How do you Rate Relationship between Causal Factors of Crimes and Insecurity? | | | | |
|---|---|---|---|---|---|
| | | | Organizational Factors | Individual Factors | Situational Factors |
| How do you rate relationship between causal factors of crimes and insecurity | Pearson Correlation | 1 | | | |
| | Sig. (2-tailed) | | | | |
| | N | 90 | | | |
| Organizational factors | Pearson Correlation | .432** | 1 | | |
| | Sig. (2-tailed) | .05 | | | |
| | N | 90 | 90 | | |
| Individual factors | Pearson Correlation | .245* | -.075 | 1 | |
| | Sig. (2-tailed) | .01 | .483 | | |
| | N | 90 | 90 | 90 | |
| Situational factors | Pearson Correlation | .405** | .151 | .519** | 1 |
| | Sig. (2-tailed) | .02 | .157 | .001 | |
| | N | 90 | 90 | 90 | 90 |

***. Correlation is significant at the 0.05 level (2-tailed).*
**. Correlation is significant at the 0.02 level (2-tailed).*

As indicated in in Table 3 there was a positive relationship between organizational factors that cause crime and insecurity, $r$ (89) =0.432, $p$=0.05. Similarly, there was a stronger positive correlation between individual factors that cause crime and insecurity, $r$ (83) =0.245, $p$=0.01. The results further showed a strong positive correlation between situational factors that lead to crime and insecurity, $r$ (89) =0.405, $p$=0.02. An increase in perception on influence of organizational factors, as well as situational factors is predicted to increase perception about causal factors of crime and rise of insecurity in society.

f) *Coefficient of Determination*

Coefficient of Determination is the extent to which the change in the dependent variable can be explained by the change in the independent variables or the percentage of variation in the dependent variable that is explained by all the independent variables. And R-square value of 0.301was established and adjusted to 0.292. This means that the independent variables could only explain 20.1% of the perceived relationship between the causes of crime and the society.

g) *Police Officers Perceptions of what could be done to Avert Crimes by Police Officers*

The section sought to establish police officer's perceptions on what could be done to avert crimes by police officers. The results are presented in Table 4.



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*Table 4:* Police Officers Perceptions on Mitigation Measures to Avert Crime by their own Colleagues

| | Response | Mean score | Percent |
|---|---|---|---|
| In a scale of 1-10 how do you rate the following mitigation measures against police criminality? | Tame police greed | 10 | 100.0 |
| | Come up with alternative discipline to errant police officers than dismissing or removing them from service | 10 | 100.0 |
| | Establish a surveillance system to monitor all dismissed police officers | 10 | 100.0 |
| | Benchmark with the developed world on best practices for dealing with errant police officers | 9 | 90.0 |

As indicated in Table 4, in order to avert crime by police officers, whether serving or dismissed, police officers suggested mitigation measures that included; taming police greed(100%), having alternative discipline mechanisms for errant police officers than dismissing or removing them from service(100%), establishing a surveillance system to monitor all dismissed police officers (100%), and benchmarked best practices for dealing with errant police officers especially from the developed world (90%).

*h) Discussion of the Findings*

This section discusses the study findings in relation to previous research studies. Additionally, the section is organized according to the objectives and include comparison with other studies. The study objectives assessed the nature of crimes committed by serving police officers, and also established the prevalence of crimes committed by dismissed police officers recorded at the Milimani Criminal Courts between 2017 and 2020 and their influence to insecurity. Finally, the study established police officers' perceptions on the relationship between the causal factors of crimes committed by police and insecurity in Nairobi County, Kenya.

*i) The Nature of Crimes Committed by Serving Police Officers*

According to this study crimes committed by serving police officers and recorded at Milimani criminal courts were categorized into; violent crimes, economic motivated crimes, drug related, and alcohol related crimes. Violent crimes included; Armed robberies, Manslaughters, Grievous body harm and Injuries through Berserk shooting. Economic motivated crimes included; Frauds, Stealing, Bribery and Extortion. Drug related crimes such as drug abuse and peddling in addition to affrays that are as a result of alcohol consumption were ranked the lowest. Notably, these are crimes committed by trained personnel of an agency that has constitutional mandated to prevent them by upholding rule of law and key policing values, an indicator of deficits in legitimacy and hinder the credibility of the agency which have an implication on national security. This study finding lends support to findings by Box (1983), Jupp and Francis (1999) that some violent crimes such as murders and man slaughters were correlated with unjustified use of deadly force due to factors that were said to compel officers to use their firearm. According to this study situational factors were compounded by suspects' resistance in most cases and the officer's risk in specific situations and contexts such as a suspect holding a gun or some other dangerous weapon, or the suspect threatening to harm the police, people or property. This also lends support to findings by Sherman (1980) argued that police violence may occur as a result of deployment of force by officers, justified or otherwise, against any individual that results in bodily harm or even the loss of life.

With regard to economically motivated crimes, poor remuneration of officers was found to predispose officers to illegal acquiring wealth by committing crimes, such as larceny, accepting stolen goods, bribery, and extortion (Economic Survey, 2016). The temptation faced by officers to engage in drug-related criminality is immense due to officers' exposure to drugs, drug users, and drug dealers predisposed officers to become trapped in the cycle of drug peddling and criminality, because of many opportunities abounded to officers to make easy money "through payoffs, shake-downs, robberies, and opportunistic thefts (Kane and White, 2013).

As argued by McLaughlin (2019) the study found that Police officers who indulged in heavy drinking coped poorly with the stress inherent in the police profession, leading to negative encounters with community members. Besides, this is at times the cause of domestic violence between them and their spouses that in some cases are fatal. There were however concerns that drunk police officers may pick quarrels with their superiors and open fire against them ending up killing their superiors or themselves or open fire to kill



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members of public to settle some known or unknown scores". As argued by Galgallo et al. (2023) this study associated alcohol taking with crime causing effects such as; ability to disintegrate ones moral character, ability to impair the judgment, ability to clouds reason, and ability to enfeebles the will. The implication here is that alcohol taking by armed police officers may thus be in itself potentially detrimental to officer's security and that of the community in the event of external or internal attacks."

*j) Nature of Crimes Committed by Dismissed Police Officers*

The second objective established the nature of crimes committed by dismissed police officers recorded at the Milimani criminal courts. These included; violent crimes, economic motivated crimes, and drug related crimes. Violent crimes which ranked the highest, and included crimes such as, armed robberies, manslaughters, grievous bodily harm and injuries through berserk shooting. Second were the economic crimes that included; frauds, stealing, tax evasion, bribery and extortion. Lastly were drug related crimes that included drug abuse and peddling. Whereas these crimes are almost similar to crimes committed by serving police officers, the study depicted a unique pattern that indicate prevalence of property related crimes committed by dismissed police officers than other typology of crimes.

The implication here is that, in cases of police dismissals from service, their family ends up missing its basic needs, children dropping out of school, engagement in drug abuse and domestic violence. All these were found to have cumulative effects that compelled desperate dismissed police officers into the option of engaging in crime. Further, as established in this study upon dismissal from work police officers hardly get any benefits. This made them develop anger which in turn fostered crime because it disrupted cognitive processing ways that impeded non-criminal coping for resistance and inculcated a propensity to justify their criminal behaviour as they believed that the injustice they suffered justifies crime (Sherman, 1980; Economic Survey, 2016; Kane and White, 2013).

Observably, whether the officers were legally or irregularly dismissed, commission of offenses such as robberies, stealing and Burglaries by the same officers makes the community more vulnerable and more insecure because their commission involve use of firearms. Whereas the core mission of the police is to prevent crimes and to ensure public safety and security, this study perceives that dismissing trained police officers for whatever reason amounts to an error and is self-defeating as they make the society more unsafe by committing more crimes. This view was exacerbated by an opinion who stated that, police officers collaborate with those who were dismissed to commit property crimes. Whereas this observation was made with regard to property crimes other serious crimes against the state such as terror related crimes may also be committed. The implication against national security if this happens may be therefore dire.

As it was established in this study therefore an inclination to always sack may not help because it will always have an adversely effects on security organs in fighting crime. This is because sacked police officers are not only trained to prevent crimes but also to kill enemy. Crimes become very sophisticated especially if they are committed by trained and experienced criminals. Perhaps dismissed police officers should borrow best practices from developed countries regarding to dealing with errant officers so that the security of the Kenyan citizens is enhanced "According to investigating officers' perception, robberies and car thefts ranked the highest (90.0%) among the crimes committed by dismissed police officers followed by burglaries (30%) and finally abductions (20.0%). This observation also agrees with general perceptions with regard to property crimes that dismissed officers' utilized criminality as an opportunity or source of livelihood.

*k) Police Officers' Perceptions on the Relationship between the Causal Factors of Crimes Committed by Police and Insecurity*

The last objective established police officers' perceptions on the relationship between the causal factors of crimes committed by police and insecurity. As portended by Skogan and Frydl (2004) and Terrell's (2003) these included; situational factors, organizational factors, and community factors. Situational factors such as suspect resistance in most cases the officers assess the level of risk in specific situations and contexts such as a suspect holding a gun or some other dangerous weapon, or the suspect threatening to harm the police, people or property". Other situation factors that were said to predispose an officer to commit crimes included; their relatively lower remuneration that increased their propensity to commit crimes such as larceny, accepting stolen goods, bribery, and extortion. In some instances, killing on provocation also aptly fits in this description. Additionally, the temptation faced by officers to engage in drug-related criminality is immense due to officers' exposure to drugs, drug users, and drug dealers. Further, the study argued that it is fairly easy for officers to become trapped in the cycle of drug peddling, drug trafficking and criminality, because many opportunities abound to officers to make easy money through payoffs, shake-downs, robberies, and opportunistic thefts (World Drug Report, 2004).

With regard to organizational factors, two major factors influenced police criminality; low police accountability and organizational reform. As argued by Skogan and Frydl (2004) police operations are still



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shady and the level of their accountability and organizational reform still low. At this level police will operate with impunity, and get away with it. For example, with regard to organizational reforms, human resource policies such as on police welfare are still inadequate. With regard to police accountability, bodies that are mandated to ensure police accountability are largely ineffective because there are still cover up and inaction of crimes committed by police officers. These findings casts aspersion on the two major bodies mandated to ensure police accountability: the Internal Affairs Unit and the Independent Policing Oversight Authority which were perceived to be largely overwhelmed and dysfunctional. The Independent Policing Oversight Authority in Kenya is tasked with investigating deaths and serious injuries caused by police action and investigating police misconduct. Besides, political will to vet all police recruitments was also perceived to be necessary (Skogan and Frydl, 2004).

With regard to community wide factors, one major factor that influenced police criminality was rampant corruption (Fyfe and Kane, 2006). Corruption in Kenya was seen as a society wide problem that affects the police as well. It was said to be deeply entrenched and apparently getting accepted as a "culture" and also like a cancer, eating the moral fiber of our society. It was said to lure senior police officers to abuse their office by releasing criminals charged with serious crimes from lawful custody". This according to the study a major societal problem requires the whole overarching police reforms focusing on societal education on the security and safety risks of corruption when as a result of corrupting police officers' dangerous criminals are released from custody to haunt the society (Burite and Gridneff, 2016). Further, the study observed that corruption culminates to protection of illegal activities, evidence tampering or theft and disclosure of privileged information may also be tied to greed and as such important to tame police greed. By implication, disclosure of privileged information or intelligence for example about police operations, vital installations may be very detrimental even to the safety of police officers themselves.

As argued by Ombaka (2015) this study also established perceptions of the relationship between the causal factors of crimes committed by police and insecurity in Nairobi County, Kenya. To achieve this, two correlation analysis tests were carried out; to establish the nature and strength of relationship between the causal factors of crime and their perceived implications to insecurity in society and two; perceptions of the correlation analysis between increase of criminal violations and insecurity. An increase in perception on influence of organizational factors, as well as situational factors is predicted to increase perception about causal factors of crime and rise of insecurity in society. Further, the pattern that this study has portrayed as a general trend is that of a direct correlation between dismissed members of the police service and rise of insecurity in the Nairobi County, Kenya. Further, there was a positive relationship between criminal law violations and insecurity. As a result, the study further went ahead to assess police officers opinion of what they what thought could be done to avert crimes by police officers. Last but not least, whether serving or dismissed, police officers suggested mitigation measures that included; taming police greed, having alternative discipline mechanisms for errant police officers than dismissing or removing them from service, establishing a surveillance system to monitor all dismissed police officers, and benchmarked best practices for dealing with errant police officers especially from the developed world.

## IV. Conclusion

The nature of crimes committed by serving police officers and recorded at Milimani criminal courts between the years 2017-2020 were categorized into; violent crimes, economic motivated crimes, drug related crimes and alcohol related crimes. Notably, these are crimes committed by trained personnel of an agency with constitutional mandated to enforce laws and maintain public safety and security, an indicator of deficits in legitimacy and abuse of authority that have a negative implication on national security.

The nature of crimes committed by dismissed police officers recorded at the Milimani criminal courts included; violent crimes, economic motivated crimes and drug related crimes. Whereas these crimes were almost similar to crimes committed by serving police officers, the study depicted a unique pattern that indicate prevalence of property related crimes committed by dismissed police officers than other typology of crimes. Whether the officers were legally or irregularly dismissed, commission of offenses such as robberies, stealing and burglaries by the same officers makes the community more vulnerable and more insecure because their commission involve use of firearms. Whereas the core mission of the police is to prevent crimes, this study perceives that dismissing trained police officers for whatever reason amounts to an error and is self-defeating as they make the society more unsafe by committing more crimes. This view was exacerbated by an opinion that, police officers collaborate with those who were dismissed to commit property crimes. Whereas this observation was made with regard to property crimes other serious crimes against the state such as terror related crimes may also be committed. The implication against national security if this happens may be therefore dire.

The study established four causal factors of police criminality that included; situational, individual, organizational, and community level factors. Situational



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factors were largely responsible for most violent crimes and most economic motivated crimes. Serving police officers both serving were largely culpable of property crimes. According to this study, bribery ranked highest, followed by robberies. This may also be explained by too much police discretion in their call of duty to enforce property crimes while their relatively lower police pay and greed for material property increases their propensity to collect bribes. This study established a positive relationship between organizational factors that cause crime and insecurity, a stronger positive correlation between individual factors that cause crime and insecurity, and a stronger positive correlation between situational factors that lead to crime and insecurity. An increase in perception on influence of organizational factors, as well as situational factors is predicted to increase perception about causal factors of crime and rise of insecurity in society. Further, the study established a direct correlation between dismissed members of the police service and rise of insecurity in the Nairobi County, Kenya, and a positive relationship between criminal law violations and insecurity.

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