

**THE IMPORTANCE OF THE RAPE VICTIM STATEMENT IN
THE INVESTIGATION OF STRANGER RAPE**

by

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**Submitted in partial fulfilment of the requirements for the
degree of**

MAGISTER TECHNOLOGIAE

In the subject

FORENSIC INVESTIGATION

at

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: PROF B BENSON

AUGUST 2021

PREFACE

This research aims to explore the importance of the rape victim statement in investigating stranger rape and exploring what are the most important aspects to capture in this statement.

For the stranger rape to be successfully investigated, the visible policing (VISPOL) member obtaining the victim's statement at the community service centre (CSC) should obtain a detailed statement with all the elements of the stranger rape, a comprehensive description of the perpetrator, the behaviour of the perpetrator before, during and after the incident and with that the location of the incident. In this research, the guidelines and policies pertaining to the statement taking, handling and empowering of the rape victim in the reporting phase of rape crime at the CSC, rights of the victim, elements of rape, shortcomings and best practices when obtaining stranger rape victim statement will be discussed in striving to address the importance of the rape victim's statement in the investigation of stranger rape. This will be an endeavour to provide the VISPOL members and family violence, child protection and sexual offences (FCS) investigators with the importance of the victim's statement during the investigation of stranger rape.

SUMMARY

In this research, the victim's statement was evaluated to determine what that entails, in the context of the investigation of stranger rape. The question addressed, was: What are the most important aspects to capture, when obtaining the statement of a stranger rape victim? Stranger rape was defined and discussed, along with the rights of the stranger rape victim, when reporting a rape at the Client Service Centre (CSC), and best practice in terms of investigating stranger rape.

For the purpose of this research, the researcher employed a qualitative method, with a case study design, to explore the importance of the rape victim's statement in the investigation of stranger rape. To that end, the researcher collected data through semi-structured interviews and a literature review. The researcher explored the activities of a small group of Motherwell Visible Policing (VISPOL) members (Sample A, eight members) and Motherwell Family Violence, Child Protection and Sexual Offences (FCS) members (Sample B, five members), to inform the research problem. Both samples were interviewed using the same interview schedule, but there was a slight difference in certain questions, since both groups were responsible for taking the statement of the victims of stranger rape, and this was done in different phases. The VISPOL members were the first to receive and obtain said victim statement, while the FCS investigators had to take over, and carry on with, the investigation, based on the information contained in the statement VISPOL had obtained during the reporting phase at the CSC. Ultimately, the research identified the most important aspects to capture, in the statement of a victim of stranger rape.

Key concepts: Family Violence, Child Protection and Sexual Offences Unit; elements of crime; family violence; statement; stranger rape; victim of crime; victim's rights.

OPSOMMING

Die slagoffer se verklaring is tydens hierdie navorsing geëvalueer om te bepaal wat dit binne die konteks van die ondersoek na vreemdelingverkragting behels. Die vraag waarop hier antwoorde gesoek word, is wat die belangrikste aspekte is wat vasgelê moet word wanneer 'n verklaring by 'n slagoffer van vreemdelingverkragting afgeneem word. Vreemdelingverkragting word gedefinieer en bespreek en so ook die regte van die vreemdelingverkragtingslagoffer tydens die aanmelding van 'n verkragting by die Kliëntedienssentrum. Daar is ook gekyk na beste praktyk ten opsigte van die ondersoek na vreemdelingverkragting.

Vir doeleindes van hierdie navorsing het die navorser 'n kwalitatiewe metode met 'n gevallestudie-ontwerp gebruik om die belangrikheid van die verkragtingslagoffer se verklaring in die ondersoek na die verkragting na te vors. Met hierdie doel het die navorser met behulp van semigestruktureerde onderhoude en 'n literatuurstudie data versamel. Die navorser het die aktiwiteite van 'n klein groep lede uit Motherwell Sigbare Polisiëring (VISPOL) (Steekproef A, agt lede) en Motherwell Gesinsgeweld, Kinderbeskerming en Seksuele Oortredings (FCS) (Steekproef B, vyf lede) ondersoek om die navorsingsprobleem toe te lig. Dieselfde onderhoudskedule is vir die onderhoude van beide steekproewe gebruik, maar sekere vrae het effens verskil aangesien beide groepe verantwoordelik is vir die afneem van verklarings by slagoffers van vreemdelingverkragting, maar wel tydens verskillende fases. VISPOL-lede is die eerste om die slagoffer se genoemde verklaring verkry, onderwyl die FCS-onderzoekers oorneem en die ondersoek verder voer gebaseer op die inligting vervat in die verklaring wat VISPOL tydens die aanmeldingsfase van die Kliëntedienssentrum bekom het. Die navorsing het uiteindelik die belangrikste aspekte geïdentifiseer wat in die verklaring van 'n vreemdelingverkragtingslagoffer vasgelê moet word.

Sleutelkonsepte: Gesinsgeweld, Kinderbeskerming en Seksuele Oortredingseenheid; elemente van misdaad; gesinsgeweld; verklaring; vreemdelingverkragting; misdaadslagoffer; slagoffer se regte

ISISHWANKATHELO

Kolu phando, kuphononongwa ubungqina bomntu olixhoba lokudlwengulwa ukuze kufunyaniswe ukuba buthetha ukuthini xa kuphandwa isiganeko sokudlwengulwa ngumntu ongamaziyo. Kubuzwe umbuzo othi: Yeyiphi imiba ephambili ekufaneleke ukuba ibuzwe xa kumanyelwa kuschicilelwa ubungqina kwixhoba lokudlwengulwa ngumntu ongamaziyo? Kuye kwanatywa kwaxoxwa kabanzi ngokudlwengulwa ngumntu ongamaziyo kunye namalungelo exhoba lokudlwengulwa, xa umntu exela ngesiganeko sokudlwengulwa ngumntu ongamaziyo kwi-ofisi enceda abantu ebizwa *Client Service Centre (CSC)*, kunye nohlobo olulungileyo nenkqubo efanelekileyo emayilandelwe xa kuphandwa ngesiganeko sokudlwengulwa ngumntu ongamaziyo.

Kolu phando, umphandi usebenzise uhlobo lokuzathuza nokusebenzisa isifundo esingumzekelo weziganeko ezenzekileyo ukuze aqwalaselise kakuhle ukubaluleka kobungqina obunikwe lixhoba lokudlwengulwa xa ephanda eso siganeko sokudlwengulwa ngumntu ongamaziyo. Umphandi uye waqhubeka waqokelela ulwazi ngokuqhuba udliwano-ndlebe olungalungiselelwanga ngokupheleleyo nokuqwalaselisa okubhaliweyo ezincwadini. Umphandi uye waqwalaselisa imisebenzi yamalungu eqela elithile elincinane elibizwa ngokuba yi *Motherwell Visible Policing (VISPOL)* kwisithili saseMotherwell, amalungu e-ofisi ebizwa *Motherwell Family Violence* (Isampulu 'A', amalungu asibhozo) kunye namanye amalungu aphuma kwi-ofisi ebizwa *Child Protection and Sexual Offences (FCS)* (Isampulu 'B', amalungu amahlanu). Kwabanjwa udliwano-ndlebe, kusetyenziswa uluhlu lwemibuzo efanayo kuzo zombini iisampulu, kodwa imibuzo ethile yaguqulwa kancinane ngenxa yokuba omabini la maqela ayenoxanduva lokuthatha nokushicilela ubungqina bamaxhoba kwaye oku kwenziwa ngamaxesha ahlukileyo. Kuye kwaqala amalungu e *VISPOL* ukuthatha ubungqina baze bona badlulisela iintambo zophando kumalungu e *FCS* ukuze aphande kabanzi ngolwazi abalufumene xa bekuxelwa ngesiganeko sokudlwengulwa kwiofisi ye *CSC*. Ekugqibeleni uphando luye lwayichonga imiba ebalulekileyo ekufaneleke ukuba iqwalaseliswe kakuhle xa kumanyelwa kuschicilelwa ubungqina bexhoba lokudlwengulwa ngumntu ongamaziyo.

Amagama aphambili: Ubundlobongela kusapho, Icandelo Lokhuselo Lwabantwana Nolwaphulo Mthetho Ngokwesondo; imiba yolwaphulo mthetho; ubundlobongela kusapho; inkcazelo; ukudlwengulwa ngumntu ongamaziyo; ixhoba lolwaphulo mthetho; amalungelo exhoba.

ACKNOWLEDGEMENTS

Praise and Worship to The Lord Almighty for sustaining me this far. My sincere heartfelt gratitude to my supervisor Professor (Dr) BC Benson, if it were not for your patience, guidance, undivided attention, constructive criticism, support and supervision, I would have long given up. Thank you very much from the bottom of my heart, my 'Prof'.

To my family, my husband, Bathandwa Manqoyi, thank you, Badela, for your support. My daughter, Ongeziwe Manqoyi, sleepless nights and panic attacks finally paid off; thank you, Manxa. My son, Liyema Manqoyi, my technology "GURU", thank you for your patience and assistance. Kanibone and Uyiyo Manqoyi, sleeping on the couch almost the whole night waiting for your mom, has finally come to an end.

To my colleague Nomawethu Patience Zweni, the journey was too long and tiring. Thanks for your support and patience. "We did it!"

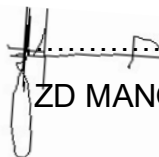
Last but not least, to SAPS, my employer, my sincere gratitude for affording me this lifetime opportunity to conduct this research, to the members of Motherwell SAPS (CSC) and Motherwell FCS Unit, thank you very much for your unselfishness and assistance in making my journey easier and fulfilling my dream.

DECLARATION

I, ZINGISA DOROTHY MANQOYI, declare that THE IMPORTANCE OF THE VICTIM STATEMENT IN THE INVESTIGATION OF STRANGER RAPE is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

I further declare that I submitted the dissertation to originality checking software. The result summary is attached.

I further declare that I have not previously submitted this work, or part of it, for examination at Unisa for another qualification or at any other higher education institution.


ZD MANQOYI

2021/01/09...

DATE

LIST OF ABBREVIATIONS

BPDLP	: BASIC POLICE DEVELOPMENT LEARNING PROGRAMME
CAS	: CRIME ADMINISTRATION SYSTEM
CCTV	: CLOSE CIRCUIT TELEVISION
CPU	: CENTRAL PROCESSING UNIT
CSC	: COMMUNITY SERVICE CENTRE
DLP	: DETECTIVE LEARNING PROGRAMME
DNA	: DEOXYRIBONUCLEIC ACID
FCS	: FAMILY VIOLENCE, CHILD PROTECTION AND SEXUAL OFFENCES UNIT
FSL	: FORENSIC SCIENCE LABORATORY
HIV	: HUMAN IMMUNODEFICIENCY VIRUS
ID	: IDENTITY DOCUMENT
I/O	: INVESTIGATING OFFICER
NI	: NATIONAL INSTRUCTION
OB	: OCCURRENCE BOOK
PROF	: PROFESSOR
SAPS	: SOUTH AFRICAN POLICE SERVICE
SO	: STANDING ORDER
SO (G)	: STANDING ORDER (GENERAL)
SORMAA	: SEXUAL OFFENCES AND RELATED MATTERS AMENDMENT ACT
VISPOL	: VISIBLE POLICING
VFR	: VICTIM FRIENDLY ROOM

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PROOF OF EDITING



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14 January 2021

To whom it may concern,

This is to certify that I have edited Zingisa Dorothy Manqoyi's dissertation titled

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checking grammar, spelling, punctuation, tense and sentence construction, as well as repetition/redundancy. I checked for plagiarism too. I corrected the formatting, the Table of Contents and page numbering.

All participants' quotes were left unedited except for obvious spelling errors.

I wish her the best of luck.

Yours sincerely,

Bridget LötZ



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CHAPTER 1: GENERAL ORIENTATION

1.1 INTRODUCTION

Bruce and Moran (2006:71) define a statement as a record of what witnesses have said and it is the foundation on which the state will decide upon whether or not to prosecute. However, before the prosecutors decide to prosecute a case, they must be satisfied that all the elements of crime have been covered and that the statement has addressed these elements to the core. Eight years later, Lochner (2014:59-60) still supports Bruce and Moran that gathering, preparing and presenting crucial evidence in order to reveal what happened, who is responsible for such an incident, constitutes a record which will be presented at criminal trials at the court of law as a statement.

Often the victim is one of the main witnesses in a case and has evidence that is crucial to investigating and prosecuting a crime (Bruce & Moran 2006:14). A victim is referred to as the main witness in a case but, not all witnesses are victims. There are witnesses who are eyewitnesses, which means they have seen the incident and other witnesses whom they have been told about what happened.

Rape is a serious problem in South Africa. During the 2016/2017 financial year, statistics revealed that women and girls are more at risk than men. This was supported by victims of crime statistics which reported that in every 100 000 women, 250 are victims of sexual offences compared to 120 out of 100 000 men. For the same financial year 2016/2017, South African Police Service (SAPS) released statistics in which 80% of the reported sexual offences were rape cases; this was in conjunction with Statistics South Africa's estimation that in 68.5% of the sexual offences victims are women (Warton 2017). This gives an estimated number of 138 in every 100 000 women are being raped in South Africa; this is one of the highest records of rape in the world, which has caused South Africa to be regarded as being 'a rape capital country of the world'.

According to the Annual Crime Report in 2017/2018, rape under Sexual Offences has indicated an increase compared to the previous financial year (SAPS 2019a). It is

stated that for the 2016/2017 financial year, reported rapes were 40 188 compared to 40 525 rapes reported in 2017/2018. This shows a 0.8% increase; therefore, approximately 111 people are being raped in South Africa per day. For these reasons, rape became a top priority crime in South Africa regardless of race, age or gender. The reason behind the researcher choosing the above-mentioned financial years is because it was the period when the researcher decided to conduct research based on what has been discussed in the rationale of this research on page 4.

The biggest challenge with rape is that it often occurs away from witnesses, behind closed doors, inside vehicles and in open fields with no eyewitnesses. It is seldom to have an eyewitness in rape cases, which means it is always the victim's word against the perpetrator's word. To prove that rape has taken place, a thorough investigation that requires skills and proper training needs to be conducted. Rape is rape, be it a date rape whereby a victim will voluntarily go out on a date with a person, and such a person will end up raping the victim; inter-family rape, whereby the victim is being raped by a family member, e.g. father, brother, uncle or son, and or acquaintance rape, whereby the victim is being raped by the person who is known to the victim, e.g. neighbour, school teacher, a friend or church member. In all the above-mentioned instances, there will always be a victim, crime scene, witness, exhibits and a perpetrator to take care of in order for the crime to be confirmed that it occurred and to identify the perpetrator. To achieve this, there should be a detailed report in the form of a statement taken by the police upon reporting the rape case by the complainant, witness or victim.

A statement should be taken properly and in private. It must be taken into detail by a designated member of the SAPS who has been appointed in terms of the Police Act, and such a member is assigned to obtain statements as one of their duties. The statement should reveal the particulars of the victim(s), name(s), address, age, gender, contact details, nationality, date, time of the incident, what exactly happened, where it happened, how it happened, who the perpetrator is and who else has witnessed the incident if any.

In the victim's statement, the victim must explain every little detail, even though they might think it is useless or unnecessary. The victim should, for instance, mention what she/he saw, heard, smelled or touched before, during and after the incident. This information is crucial during the investigation of rape more especially with stranger rape, where the perpetrator is unknown to the victim, as it might shed light on providing a detailed description of the perpetrator, the modus operandi of the perpetrator, that is, the method used by the perpetrator in committing the rape, the character of the perpetrator and the exact place where the incident occurred.

Should the above points or facts be overlooked or omitted during the reporting phase of the rape case, it becomes difficult to proceed with the investigation of rape immediately because of the insufficient information and in the majority of instances, the victim is alone with the perpetrator.

To investigate a rape case where the perpetrator is known is not a simple task, but it becomes more difficult when the perpetrator is unknown to the victim. This is known as a stranger rape.

Stranger rape is defined as a rape in which the victim does not know the rapist (Van der Watt 2011:6). In this type of rape, the victim's statement is one of the most important tools that can help to shed light on the perpetrator's identification through physical description, e.g. his complexion, body build, scars, hairstyle, etc. The said statement can also help investigate stranger rape by highlighting the perpetrator's behaviour, actions, tendencies and habits.

In this study, the researcher focused on the important aspects that need to be captured in a rape victim statement when investigating the stranger rape of a female victim by a single unknown male perpetrator. The reason why the researcher focused on a female victim is that, so far, the majority of rape victims, including stranger rape, are females, and the researcher narrowed the focus to a single female victim and a single unknown male perpetrator.

1.2 RATIONALE OF THE RESEARCH

Walliman (2010:32) believes that a research problem can be based on a question, an unresolved controversy, and a gap in knowledge or an unrequited need within the chosen subject. This is elaborated by Kumar (2014:63) that generally speaking, a research problem can be any unanswered question, hypothesis or assertion that needs to be challenged or investigated.

The researcher has 27 years of service in the SAPS; out of the 27 years of service, the researcher has been a Unit Commander at the Family Violence, Child Protection and Sexual Offences (FCS) Unit for 17 years and started at Cradock FCS Unit (for five years). The researcher has been the Unit Commander at Motherwell FCS Unit in Port Elizabeth in the Eastern Cape Province in South Africa since 2010.

One of the primary functions of a Unit Commander is to give direction to investigators. The researcher is thus tasked to peruse and inspect all rape dockets, give investigative guidance to the investigating officers, thereafter provide feedback to the District/Provincial Commander on the progress and outcome of each of the reported rape cases. During the inspection of case dockets and interaction with the Motherwell FCS Unit members, the researcher discovered that there is an indictment from the FCS investigators against the Visible Policing (VISPOL) members. The FCS members allege that too often, they have to retake the statement of the rape victim before they can proceed with their investigation, simply because the VISPOL member did not take a sufficiently comprehensive statement.

The researcher can confirm this because she has personally seen this during the routine inspection of case dockets. It often occurs that during the reporting phase of rape by the victim at the Community Service Centre (CSC), the Visible Policing (VISPOL) members are not taking the rape victim's statement properly. In most cases, the statement does not contain sufficient information, resulting in the investigator having to retake the victim's statement first before further investigation. Not only is this poor police work, but it results in the re-traumatisation of the victim, who has to relay her story yet again. The following are examples of such incidents: the victim will

mention that she was attacked by an African male who is unknown to her and that she will be able to identify him if she can see him again, but there is no detailed description of the said African male in the docket.

In another instance, the rape victim mentions that she was raped at an open space, but the VISPOL member who is taking the statement will not ask the details of this open space. In some other incidents, the victim's statement is too short; her statement will only say the victim was alone in the house and was attacked and raped by an unknown suspect, and that is all.

In cases like these, it becomes difficult for an investigator to proceed with the investigation. Subsequently, the investigator is forced to retake the victim's statement to get detailed information that would have been obtained during the reporting phase of the incident at CSC, for instance, the description of the perpetrator, the exact location of the incident; often leading to the delay in the investigation of the case and the re-traumatisation of the victim.

Therefore, the research has been conducted at Motherwell SAPS CSC, where the cases are being reported and registered and at Motherwell FCS Unit, where sexual offences cases are being investigated. The SAPS National Instruction (N/I) 2/2019 regulates the functioning of the FCS Units and ensures effective control over the FCS. The FCS's role is to prevent and investigate FCS-related crimes and ensure excellence in service delivery to victims of family violence, crimes against children, and victims of sexual offences (SAPS 2019b). SAPS National Instructions are instructions issued at a national level by the Head of Governance, Policy and Legislation Management for all members of the service who were appointed in terms of Section 25 of the SAPS Act of 1995.

The N/I states that the focus of the investigation is to provide a sensitive and effective service to the victim and conduct quality investigations. The following are the specific crimes that form part of the investigation mandate of the FCS Unit informed by the N/I 2/2019:

- Assault common and assault with intent to do grievous bodily harm (Ass GBH) which is family violence-related, meaning an assault between a father, mother, son, daughter, brother and sister;
- Murder and attempted murder which is family violence-related;
- Offences in terms of the Sexual Offences Act, e.g. rape, incest, sexual assault;
- Kidnapping of children;
- Abduction;
- All offences under the Criminal Law SORMAA;
- Offences in terms of the Children's Act 2005 (Act No 38 of 2005);
- Films and Publications Act 1996 (Act No 65 of 1996) only relating to Child Pornography;
- Crimes that are committed together with a crime of a sexual nature; and
- Missing children (SAPS 2019b).

1.3 AIM OF THE RESEARCH

According to Thomas and Hodges (2010:38), the research aim usually refers to the main goal or overarching purpose of a research project. Maree (2016:5) adds that the aims of the research are not only the rephrasing of the questions to be answered, but they are also more focussed beyond the superficial to the importance of the study, for instance, why the study should be conducted? What influences the study? What policies and practices to be influenced? And what end results to be expected? The aim of this research explored the most important aspects to capture in the statement from the victim of stranger rape.

1.4 PURPOSE OF THE RESEARCH

According to Creswell (2009:111-12), the purpose statement sets forth the study's intent, not the problem or issue leading to a need for the study. Similarly, Creswell (2014:124), explains that the purpose of the research encompasses information about the central circumstance being explored in the study, the participants and the research site. Therefore, the purpose of this research is to explore the importance of a rape

victim's statement in the investigation of stranger rape. In order to achieve this, the researcher has developed the following research objectives:

- Explore what the crime elements are that must be captured in the statement of the victim of a stranger rape case;
- Explain what the additional elements are that must be captured and unpacked specifically in the statement of the victim of a stranger rape case. The additional elements are those elements that will assist the investigator in narrowing down the search for and possibly identify and arrest the perpetrator, and
- The researcher intends to use the outcome or findings of the research to inform, empower and enhance the skills of the VISPOL members and investigators at Motherwell FCS Unit on the importance of a rape victim's statement in the investigation of a stranger rape.

1.5 RESEARCH QUESTION

According to Creswell (2008:227), the central question in qualitative research is a broad question posed by the researcher that asks for an exploration of the central phenomenon or concept in a study. Savin-Baden and Major (2013:99) supplement that research questions are probing sentences that highlight the occurrence to be studied and indicate what the researcher intends to learn. The central question in this study is:

What are the most important aspects to capture in the statement of a victim of stranger rape case?

1.6 DELIMITATION OF THE STUDY

According to Punch (2006:69), delimitation means defining the limits of or drawing the boundaries around a study and showing clearly, what is and is not included. The researcher will first explain the geographic demarcation and then unpack the demarcation of the type of crime, victim and assailant category.

There are 27 FCS Units in the entire Eastern Cape Province. In the Port Elizabeth Area, there are 3 (three) FCS Units; Motherwell FCS Unit, Mt Road FCS Unit and Uitenhage FCS Unit. In terms of reporting structures, the Motherwell FCS Unit is within the Motherwell Cluster and is serving eight stations. These stations are Kwazakele SAPS, Motherwell SAPS, New Brighton SAPS, Kwadwesi SAPS, Ikamvelihle SAPS, Swartkops SAPS, Kinkelbos SAPS and Paterson SAPS. Since the problem is specifically emanating from cases that originated at the Motherwell SAPS and have to be addressed by the Motherwell FCS, the researcher limited the research boundaries to focus on the Motherwell FCS Unit and the Motherwell SAPS. The researcher focused only on stranger rape cases, where the victim is female, aged from 18 years and above, with a single unknown male perpetrator. The researcher has focused on the female victim because the majority of cases reported for the research period, the victims are females

1.7 DEFINITION OF KEY TERMS

Tracy (2013:28) believes that for someone to engage in any conversation, whether it is about food, politics, history or current trends, it is essential for one to understand the fundamental concepts and classifications. He elaborates that definitions may vary depending on whom you converse with and in what context are you conversing, as some terms may be upsetting to the next person. Eight years prior to the above, Tracy's insight, Welman, Kruger and Mitchell (2005:20-25) had an idea that concepts are the building blocks of any theoretical model and that a concept is an abstraction representing an object, a property or a certain phenomenon. Therefore, it is imperative for the researcher to use the following theoretical concepts as the building blocks in this research:

1.7.1 *CRIMINAL INVESTIGATION*

According to Monckton-Smith, Adams, Hart and Webb (2013:2), criminal investigation is a process organised to meet the demands of a system of justice and often, the more serious the crime, the more complex and demanding the investigation.

1.7.2 RAPE

According to the Criminal Law (Sexual Offences and Related Matters) Amendment Act (SORMMA) (Act no. 32 of 2007), “Any person (“A”) who unlawfully and intentionally commits an act of sexual penetration with a complainant (“B”), without the consent of B, is guilty of the offence of rape (SORMMA 2007:20). The victim can be either a man or a woman, and the suspect can also be a woman or a man, unlike before, where the suspect of rape could only be a male.

1.7.3 VICTIM

According to SORMAA (2016b:2), a victim is defined as a person, irrespective of gender or age, alleging that a sexual offence has been perpetrated against him or her.

1.7.4 STATEMENT

Lochner (2014:60) defines a statement as the verbal communication or expression thereof, which presents facts and information in the form of a written narrative.

1.7.5 FORENSIC INVESTIGATION

Lambrechts (2001:99) defines forensic investigation as an investigation aimed at instituting court proceedings, criminal and civil.

1.7.6 STRANGER RAPE

According to Free Dictionary (2008:1), as quoted in van der Watt (2011:6), stranger rape is defined as a rape whereby the victim does not know the rapist.

1.8 LITERATURE REVIEW

Walliman (2010:52) submits that one of the first steps in planning a research project is to do a literature review: that means to search through all the available information

sources to find out the latest knowledge and to assess it for relevance, quality, controversy and gaps. Savin-Baden and Major (2013:112) propose that a literature review is more than descriptive cataloguing of findings and evidence; it also needs a researcher to provide an analytical argument and draw conclusions.

In support of the above writer's opinion, the researcher visited Libraries at Nelson Mandela University (NMU) in Port Elizabeth and Unisa Branch in East London to search for literature that is relevant to the study and to review what other researchers have done so far and have they investigated the importance of an adult rape victim statement in the investigation of a stranger rape? To get access to the NMU Library, the researcher initially applied for permission to access the Library and permission was granted, see the permission letter attached as per Annexure G. In the absence of specific literature, the researcher had to break down the research topic into subheadings to get reliable and relevant information. For instance, 'victim', 'statement', 'stranger rape', 'information', 'forensic' and 'criminal investigation'. The following literature, among others, was consulted: Monckton-Smith, Adams, Hart and Webb (2013), Savin-Baden and Major (2013), Tracy (2013), Kumar (2014), Lochner (2014), Creswell (2014), Warton (2017), N/I 2/2019, Marais and Van Rooyen (1990), Lambrechts (2001), and the SORMMA Act 32 of 2007. The information found from the latter inspired and motivated the researcher to continue with the study. The researcher also searched the Unisa internet for previous research and came across dissertations by Prins (2009), Van Der Merwe (2010), Van der Merwe (2008), Van der Watt (2011), Masango (2015) and Humbulani (2016). While they have not researched exactly the same research, there were similarities in these research topics.

Leedy and Ormrod (2010:66) submit that the function of the literature review is to "look again" (re+view) at what others have done in similar areas, though not necessarily identical to one's own area of investigation. The researcher has looked into the dissertations whereby there were similarities; for instance, all the researchers used an empirical design due to the limited information available on the research topic. They also used a qualitative research approach. Data was collected through interviews, literature study and case docket analysis. The sampling was different from the one in this study; in fact, all the researchers used different sampling styles guided by the

purpose of their research. Since none of the literature addressed the exact topic that the researcher proposes to work on, it is surmised that this research will add to the existing body of literature.

1.9 RESEARCH APPROACH AND DESIGN

1.9.1 RESEARCH APPROACH

According to Creswell (2014:3), research approaches are plans and the procedures for research that span the steps from broad assumptions to detailed methods of data collection, analysis and interpretation. He mentioned three research approaches:

- Qualitative;
- Quantitative; and
- Mixed methods.

Creswell (2014:4) defines the qualitative approach as an approach for exploring and understanding the meaning individuals or groups ascribe to a social or human problem. Qualitative research in broad terms is an approach that allows one to examine people's experiences in detail by using a specific set of research methods such as in-depth interviews, focus group discussions, observation, content analysis, visual methods, and life histories or biographies (Hennik, Hutter & Bailey 2011:8-9). Based on the above explanation, the researcher deemed qualitative research the most appropriate for this study because it involves the Motherwell FCS Unit investigators' experience and the VISPOL members (at the Motherwell SAPS) regarding the importance of a victim statement when investigating stranger rape.

1.9.2 RESEARCH DESIGN

According to Denscombe (2010:100), the research design is a “blueprint” plan for the research. It specifies what the key components look like, how they fit together, and how they will produce appropriate information to answer the research question.

This is supplemented by Creswell (2014:12) that research designs are types of inquiry within qualitative, quantitative, and mixed methods approaches that provide specific direction for procedures in a research design. De Vos, Strydom, Fouche and Delport (2010:268) contribute that various designs used by qualitative researchers will differ depending on the purpose of the study, the nature of the research questions, the skills and resources available to the researcher.

For the purpose of this research, the researcher has conducted a qualitative method with a case study design to explore the importance of the rape victim’s statement in the investigation of a stranger rape. The researcher is interested in exploring a small group’s activities, i.e. the Motherwell VISPOL members and the Motherwell FCS investigators, to inform the research problem.

1.10 TARGET POPULATION AND SAMPLING

1.10.1 TARGET POPULATION

Maxfield and Babbie (2012:15) believe that the population for a study is a group that we want to draw conclusions about, and these groups were usually made up of people. In this study, there were two separate target populations; the Motherwell VISPOL members (who, although they do not specialise in stranger rape cases, are exposed to stranger rape cases) and the members of the Motherwell FCS Unit, who are specifically trained to take the statement of rape victims, including those of stranger rapes.

The Motherwell VISPOL members are members who are working at Motherwell CSC and are taking down the statements of all the people who come to the police station

to report crime incidents. Once the case has been reported, and it is discovered that it falls within the FCS mandate's ambit, it is transferred to the FCS Unit for further investigation.

The second target population was the Motherwell FCS investigators, who are exposed to the investigation of all rape cases, including stranger rape, because of their mandate. There were two separate target populations because the researcher wanted to explore how the two groups approach statement taking and what factors they consider to be most important. Mindful that the FCS Unit has been specially trained and should set the benchmark, whereas the VISPOL members have not been specially trained in this (Masango 2015:18).

1.10.2 SAMPLING

According to Kumar (2011:193), sampling is a process of selecting a few (a sample) from a bigger group (the sampling population) to become the basis for estimating or predicting the prevalence of an unknown piece of information, situation or outcome regarding the bigger group. Miles, Huberman and Saldana (2014:30) add that sampling involves decisions that are not only about which people to observe or to interview; it also includes settings, events and social processes.

In this study, the researcher selected TWO different samples from two target populations. The research has been limited to investigators at Motherwell FCS Unit who are specifically specialised in the investigation of sexual offences, which include all forms of rape cases and the Motherwell VISPOL members who are also exposed and responsible for the opening and registering of all types of criminal cases that include stranger rape cases at the Motherwell CSC. BOTH samples were interviewed separately but with very similar interview schedules with the aim to explore what are the important aspects to be captured in the victim statement of stranger rape. The biographical data of the two sample sets are explicated in paragraph 1.13 below.

Sample A: VISPOL members

The Motherwell VISPOL members consist of four shifts with 15 members from each shift, thus 60 VISPOL members. All of these VISPOL members have been duly trained at the Police College about how to obtain a statement regardless of the offence; therefore, there was no specification or specialisation when it comes to stranger rape, all of them have been exposed to or have opened a stranger rape case. The researcher did not use all 60 members from all the four shifts; only two members from each shift have been used, which means there are eight VISPOL members who form Sample A. The researcher requested an alphabetical list of all members working at Motherwell CSC from the Human Resources section at Motherwell; this list had to indicate their years of service in SAPS and years of experience working in the CSC. The researcher then selected the members according to their years of experience working at the CSC, meaning their years of experience in opening and attending rape cases, specifically stranger rape. Thus, the researcher purposively selected two members, per shift, with the most experience in the CSC and interviews were conducted with them.

The purpose of the inquiry was not to generalise back to the target population but rather to explore how taking statements from rape victims (in stranger rape cases) is being dealt with by these members.

Sample B: FCS investigators

The Motherwell FCS Unit consists of 30 investigators who specialise in investigating criminal cases relating to FCS. Stranger rape falls into the latter category. The researcher obtained a name list of the 30 investigators working at the Motherwell FCS Unit. Along with this data, she also obtained the number of years' experience that each investigator has in investigating stranger rape and the sentences their cases received from the Human Resource and the Group Commanders at the Motherwell FCS Unit. Using this combination of years of experience and sentencing data, the researcher arranged the names from the most experienced (with successful convictions) to the least experienced investigator (with less successful convictions). The researcher

commenced interviews by starting with the most experienced investigator with the best sentences and proceeded down the list until data saturation occurred. The researcher interviewed five members, and data saturation occurred.

The researcher conducted face-to-face semi-structured interviews with the two samples based on their experience of stranger rape cases, and they both were asked the same questions and a few different questions. Their responses were juxtaposed in the discussion in the text below.

1.11 DATA COLLECTION

Data collection refers to how the data will be collected (Punch 2006:52; Sajjad Kabir 2016:201). In qualitative research, data are most likely to be words, which we get by asking (interviewing), watching (observation), reading (documents), or some combination of these three activities (Creswell 2014:189; Punch 2006:52). In addition, Creswell and Creswell (2018:262), highlight that data collection are steps which involve establishing the boundaries for the study through sampling and staffing. This means, pulling together information through formless and semi-formed examinations and interviews, documents and visual materials, as well as forming the protocol for recording information. In this study, the data was collected by asking questions, conducting face-to-face interviews, documentary analysis that included official SAPS directives and policy documents regarding statement taking and literature review on previous research. The interviews were conducted at the office during the researcher's working hours, and the participants were interviewed during their rest days.

1.11.1 INTERVIEWS

According to Gray (2011:369), an interview is a conversation between people in which one person has the role of researcher. He further mentioned that the interviewer has to pose questions either in a structured, semi-structured or unstructured format depending on the research's aims and objectives (Gray 2011:371). This is supported by Denscombe (2014:186) where he submits that with interviews, data is gathered through meeting or a string of meetings which are pre-arranged by the interviewer

wherein, the interviewer engage with interviewee to answer questions on an explicit topic of interest to the researcher. He elaborates that these interviews can be classified as 'structured', 'semi-structured' or 'unstructured' depending on the type of questions to be answered and to how much flexibility there is in the format of the meeting.

Before the interviews were conducted, the research did a pre-test of the interview schedule; this was a pilot study. Kumar (2011:150) refers to a pilot study as a pre-test, and the purpose of the pre-test is not to collect data but to identify problems that the potential respondents might have in either understanding or interpreting questions. He further submits that it is important to test out the research instrument before using it for actual data collection, and the pre-test should be carried out under actual field conditions on a group of people similar to the study population.

Therefore, the researcher conducted a pilot study using five investigators from Motherwell FCS Unit and five VISPOL members because they are similar to the study population. This was done to identify if there were problems in understanding the way the questions have been worded, the appropriateness of the meaning it communicates, whether different respondents interpret a question differently, and to establish whether their interpretation is different to what the researcher was trying to convey (Kumar 2011:150). After the piloting phase, the interview schedule was adapted where relevant, and the interviews proper were commenced.

Denscombe (2014:186) states that there are three types of interviews; structured interviews, semi-structured interviews and unstructured interviews. For this research, the researcher conducted semi-structured interviews to maintain consistency over the concepts covered in each interview. Some topics are chosen in semi-structured interviews before beginning the research based on the literature or practice (Corbin & Strauss 2015:39). The researcher personally conducted face-to-face semi-structured interviews with both samples. The interviews were conducted during working hours in the office by the researcher, but the participants were interviewed during their rest days, and the researcher ensured that the interviews did not disrupt the participants' duties.

The researcher used two very similar interview schedules for each sample as a research tool for collecting data (Kumar 2011:145) with minor changes to the biographical section. The interview schedules are attached as per Annexure A, and Annexure B. Data was also captured through note-taking. According to Kumar (2011:145), an interview schedule is a written list of open-ended or closed questions prepared for use by an interviewer in a person-to-person interaction (face-to-face). The researcher formulated an interview schedule with a list of open-ended questions. These questions were developed from the research aim and research question. The same questions were compared with the research problem to identify any inconsistency. The questions were posed to each participant on a one-on-one basis. During this and the analysis phase, the researcher adhered to bracketing as far as possible.

According to Masango (2015:12), citing Hamill and Sinclair 2010, bracketing is when the researcher's preconceptions are temporarily suspended to prevent the researcher's assumption to shape the data collection. She further submits that bracketing also ensures that the researcher does not impose his/her understanding and construction on the data. Leedy and Ormrod (2013:146) are of the same understanding, and they also believe that when the researcher suspends any preconceived notions or personal experiences that may unduly influence what the researcher "hears" the participants saying, such suspension is called bracketing. Therefore, throughout the data collection and analysis process, the researcher kept or withheld her opinions and personal experience to herself to prevent undue influence towards the participants, for instance, in instances where the participant's answer was not satisfactory, the researcher did not make any corrections or influence the participant to answer according to the researcher's opinion or experience.

1.11.2 DOCUMENTARY ANALYSIS

In the absence of a specific document that talks about stranger rape, the researcher used the guidelines, instructions given by the SAPS pertaining to the investigation of rape and guidelines in statement taking procedures. This included the SAPS National Instruction 2/2019 (South African Police Service 2019b), FCS Investigations, N/I

3/2008 Sexual Offences (2008), and the SAPS Training Study guides: National Certificate in Policing Learning Area 3 CSC Learner's Guide (2010a); National Certificate in Policing Area 4 Crime Investigation Learner's Guide (2010b); Detective Commanders Learning Programme Modules 3 to 8 (2006) and Witness and Victims, A guide for police on good practices (2006) these documents were of good help to inform the interview schedules.

1.12 DATA ANALYSIS

Kumar (2011:232) submits that for qualitative studies, the researcher should describe how they plan to analyse the interviews or observation notes to draw meanings from what the respondents have said, about issues discussed and observation notes made. This is in support of de Vos, Strydom, Fouche and Delpont (2005:333), who believe that data analysis is the process of bringing order, structure and meaning to the mass of collected data.

Leedy and Ormrod (2013:158), citing Creswell (2007), also describe a data analysis spiral as equally applicable to a wide variety of qualitative studies. It is further mentioned that when using this approach, one has to go through the data several times, taking the following steps:

- Organise the data perhaps using index cards, manila folders, or a computer database;
- Peruse the entire data set several times to get a sense of what it contains as a whole;
- Identify general categories or themes and perhaps subcategories and classify each piece of data accordingly; and
- Integrate and summarise the data for your readers.

Henning (2005:127) and Lester, Cho and Lochmiller (2020:96) view data analysis in qualitative research as an ongoing, emerging and iterative or non-linear process, but before one can begin with analysis, data must be transcribed, which simply means that the texts from the interviews, observational notes or memos are typed into word-processing documents. This can be done either manually or with computer programs

such as Atlas.ti, but Atlas.ti was not used in this research; only the manual method was used. Denscombe (2014:276) supports Henning (2005:127), and states that qualitative data needs to be prepared and organized before it can be analysed. He further mentions that in a raw condition, the qualitative data becomes difficult to question in a systematic and meaningful manner hence before the data can be used for the purpose of the research, it needs to be processed in such a way that it becomes agreeable to the analysis.

The researcher has transcribed the interviews. The researcher undertook the initial analysis under guidance. Thereafter the researcher has read the data several times to get a perspective and wrote down notes on the data. For this research, the data collected was analysed manually in a spiral mode. The researcher has circled around and upwards towards completing the process, double-checking and comparing the notes obtained during the interview to analyse the information. The researcher organised the data using index cards. The researcher perused the entire data collected several times to get the core of the whole data. The researcher identified themes and classified each theme accordingly with the participant's verbatim data in this study based on the following steps, as suggested by Creswell (2014:199):

- Step 1. The researcher organised and prepared the data for analysis, i.e. transcribing interviews, scanning material, typing of notes, cataloguing all the material and sorting the data according to the sources of information (interviews, literature and documents);
- Step 2. The researcher read or looked at all the data, the participants' general ideas, their tone of ideas, the impression of the overall depth, credibility use of information, meaning N/I, guideline documents with regard to statement taking and made notes on margins of transcripts;
- Step 3. The researcher collected all the data gathered during data collection, categorised them into themes, and labelled the themes with a term based on the participants' actual language (participant's verbatim quotes);
- Step 4. In this step, the researcher generated a description of the setting or people as well as themes for analysis;

- Step 5. The researcher conveyed descriptive information about each participant; and
- Step 6. The researcher made an interpretation in qualitative research of the findings or results. What were the lessons learned? The questions that were asked, raised by the data analysis and the literature, were discussed at the end of the study.

These data are reflected on in the ensuing chapters and compared with the literature.

1.13 BIOGRAPHICAL DATA OF PARTICIPANTS

The following is an overview of the biographical data of the participants in the respective research sample:

Sample A: 8 participants from VISPOL, Motherwell SAPS, Port Elizabeth, Eastern Cape

- There were four females and four male participants;
- These eight members have an accumulated 106 years of experience in the SAPS, with an average of 15 years' service;
- The eight members have an accumulated 84 years of experience within the CSC environment: this implies attending to complaints, opening cases, obtaining statements from victims of all categories of crime and other complaints (which include stranger rape victim statements). These members have an average of 10 years' experience in the CSC;
- These participants have undergone the Basic Police Development Learning Programme (BPDLP), a 12-month long training programme. During this programme, they dealt with several modules, of which the following are relevant to the scope of this research:
 - Attending to and receiving complaints;
 - Reporting incidents of Sexual Offences;
 - Procedure to deal with Sexual Offences reported at CSC;
 - How to offer professional assistance to victims of Sexual Offences;

- How to assist a victim of Sexual Offence and Statement taking – what to remember; and
- All the participants have been trained on the Sexual Offences and Related Matters Amendment Act, 2007 (Act no 32 of 2007), and they confirmed that they all have opened or dealt with a minimum of 10 stranger rape cases per participant in their experience at CSC. This equates to a minimum of 80 stranger rape cases that have been opened by these members over an average period of 5 years.
- Two of the participants were not sure about National Instruction 3/2008 – Sexual Offences, and the remaining six participants confirmed that they know the latter; this means that during the interview the two participants out of eight participants from Motherwell VISPOL answered that they are not sure about what is said in the National Instruction 3/2008. The remaining six indicated in their answers that they are well conversant with what N/I 3/2008 entails;
- Qualifications – all the participants have a Grade12, and two of these participants have B-Tech in Policing, one participant has a National Diploma in Policing.

Sample B: five participants from (FCS) Unit, Motherwell, Port Elizabeth, Eastern Cape

- Two of the five participants are males, and three are females;
- The participants have an accumulation of 79 years' experience in the SAPS, with an average of 16 years' experience;
- All of the participants have undergone the Detective Learning Programme (DLP), and they have an accumulation of 59 years' experience as general detectives (investigating all types of criminal cases) with an average of 12 years' experience;
- The participants have an accumulation of 48 years of experience in FCS investigations with an average of 10 years' experience. When asked, they all confirmed that they were trained on FCS-related offences and for this research, all the participants are trained in the investigation of rape, including stranger rape. All participants have investigated rape, specifically so, stranger

rape, and they all have a minimum conviction term of 10 years direct imprisonment and a maximum conviction term of a life sentence;

- All of the participants have a Grade 12 qualification. One has a Diploma in Education, one has a Degree in Police Practice, and the last one has a Degree in Psychology.

1.14 METHODS TAKEN TO ENSURE TRUSTWORTHINESS

Kumar (2011:171) points out that validity in the broadest sense refers to a research instrument's ability to demonstrate that it is finding out what it is designed for. However, Nieuwenhuys (2016:123) highlights that in the qualitative space, the term of trustworthiness is utilised. In 1981 already Guba (1981) argued for the use of four criteria to be used by qualitative researchers when discussing trustworthiness (Nieuwenhuys (2016:123).

This is also supported by Guba and Lincoln (1994) and Kumar (2011:171) still believes in their suggestion, he cited them in 2011 that validity is a framework of four criteria that is a part of the constructivism paradigm paralleling validity. In their opinion, there are two sets of criteria for judging the goodness or quality of an inquiry in the constructivism paradigm, and they are **trustworthiness** and **authenticity**. It is also stated that trustworthiness in a qualitative study is determined by four indicators, which are:

- Credibility (paralleling internal validity);
- Transferability (paralleling external validity);
- Dependability (paralleling reliability); and
- Confirmability (paralleling objectivity).

1.14.1 CREDIBILITY

According to Trochim and Donnelly (2007:149), as quoted in Kumar (2011:172), credibility involves establishing that the qualitative research results are credible or believable from the research participants' perspective. Furthermore, qualitative research studies explore the perceptions, experiences, feelings, and beliefs of the

people. It is believed that the respondents are the best judge to determine whether or not the research findings have been able to reflect their opinions and feelings accurately. It is against this background that the researcher has ensured that the study's findings are truthful and believable; this was achieved through prolonged engagement with the participants. When the interviews were done, the researcher ensured that adequate time was spent interviewing without rushing the participant or the process. This method is known to produce rich and thick results, utilised as verbatim quotes in the end product.

1.14.2 TRANSFERABILITY

Kumar (2011:172) quotes Trochim and Donnelly (2007:149), who believed that transferability refers to the degree to which the qualitative research results can be transferred to other contexts or settings. Guided by this, the researcher has indicated how the transferability was ensured in this study by describing the methods used to collect data, sampling approach/methods, target population and how these contributed to transferability so that other researchers will comprehend. As to the transferability of the results themselves, while the methodology does not speak to this matter, it is believed that the research results may be useful in other similar settings within the SAPS, where similar challenges are experienced. In addition to this, the researcher made use of in vivo quotes (the direct words of the participants were used) to support the themes identified.

1.14.3 DEPENDABILITY

Kumar (2011:172) suggests that dependability is similar to the concept of reliability. The concern in this criterion is whether one would get the same results if they observed the same thing repeatedly or twice. Suter (2012:363) explains that in dependability, the qualitative researcher gathers evidence to support the claim that similar findings would be obtained if the study was repeated. Therefore, in this study, the researcher has conducted semi-structured interviews on samples A and B with similar interview schedules. The participants' feedback determines the dependability by giving the

same results even if the study were to be conducted again. The pilot study has enhanced the dependability of the instrument and the data gathered.

1.14.4 CONFIMABILITY

Kumar (2011:172) quotes Trochim and Donnelly (2007:149), who believe that confirmability refers to the degree to which the result could be confirmed or corroborated by others. He further mentions that confirmability is also similar to reliability. According to Denscombe (2010:144), reliability relates to the data collection methods and the concern that they should be consistent and not distort the findings. They also entail an evaluation of the methods and techniques used to collect the data and the ability of a research process to provide results that do not vary from occasion to occasion. The researcher has ensured that all the literature review has been acknowledged and recorded to prove that the findings and interpretation of findings are not the researcher's imagination or fabrication, but they are conformed or linked to the data collected (Humbulani 2016:33) citing Liamputtong (2013).

1.15 ETHICAL CONSIDERATION

Gray (2011:68-69) defines ethics as a philosophical term derived from the Greek word *ethos*, which means character or custom. He further contributes that research ethics mean conducting research in a way that goes beyond merely adopting the most appropriate research methodology but conducting research in a responsible and morally defensible way.

The researcher complied with the University of South Africa (UNISA) Policy on Research Ethics (2016:5-12), with specific reference to the following aspects:

- Before the researcher commenced the research, the researcher got Ethical Clearance from the relevant Ethics Review Committee (Unisa 2016:5), in this instance, the CLAW Ethics committee. See the ethical clearance certificate as per Annexure B;
- The researcher applied for permission within the SAPS to conduct this research, and permission was granted as per Annexure C;

- The researcher ensured that the publishing of research findings should be done in a manner that will not harm research participants or their communities (Unisa 2016:6);
- The researcher remained honest in respect of all her own actions for the duration of the research, which included formulating, collecting, analysing data, publishing results and acknowledging the direct and indirect contributions of colleagues, collaborators and others (Unisa 2016:6);
- The researcher ensured that the participants' interest, their right to privacy and confidentiality when sharing information is protected (Unisa 2016:7) by using numbers instead of names and surnames of the participants to conceal and protect their right to privacy throughout the research;
- The researcher respected and protected the dignity, privacy and confidentiality of participants and, where relevant, institutions. She ensured that the participants' personal information for research is highly protected to avoid loss, damage, and/or unauthorised access as required by Protection of Personal Information (POPI) Act, No 4 of 2013 (Unisa 2016:12) and
- The final dissertation was submitted to Tii for verification of authenticity. See Annexure E.

Gibson and Brown (2009:60) also suggest that it is vital to consider the ethical dimensions of the approach to be taken and the specific ethical issues that might be raised in working through a project; they further mention that the following are the general issues that need to be considered:

- Informed consent;
- Confidentiality;
- Avoiding harm; and
- Integrity and professionalism.

1.15.1 INFORMED CONSENT

According to Denzin and Lincoln (2011:65), the research subjects have the right to be informed about the nature and consequences of experiments in which they are involved. They elaborate further that proper respect for human freedom generally includes voluntary agreement to participate without physical or psychological coercion, and the agreement must be based on full and open information. The researcher has ensured that the research is ethical by informing the participants, Motherwell FCS investigators and VISPOL members at Motherwell before they were being interviewed about the research and they were asked to give consent as participants in a consent form freely and voluntarily. They were informed about their role in the research, their right as participants, meaning that their right to participate or not participate, and their right to withdraw from being participants at any time they want to. The researcher asked participants permission to interview them and record their answers in the form of written notes and an audio recorder. The researcher recorded the interviews, and only the researcher had access to the audio files, while she and the supervisor had access to the raw data (transcriptions) for analysis purposes.

1.15.2 CONFIDENTIALITY

According to Kumar (2012:246), sharing information about a respondent with others for purposes other than research is unethical. In this study, the researcher has ensured that the collected information remains confidential; nobody else had access to the interview schedule except the researcher, Supervisor and the Language Editor. Each participant was interviewed separately from other participants. Denzin and Lincoln (2011:66) state that the code of ethics insists on safeguards to protect people's identities and research locations. The researcher combined the confidentiality and anonymity at once as it is mentioned in Hennik et al. (2011:71) that both are often used interchangeably in much research literature; however, the ethical issues of each are quite distinct, confidentiality refers to not disclosing the information that is discussed by the researcher and the participants and the anonymity refers to not disclosing the identity of the participants. The participants were informed that instead of their real names, numbers would be used to identify them, meaning that the

participants were given numbers from number one until the last participants to conceal their identity.

1.15.3 AVOIDING HARM

Kumar (2012:245) quotes Bailey (1978:384) that harm includes hazardous medical experiments and any social research that might involve discomfort, anxiety, harassment, invasion of privacy, or demeaning or dehumanising procedures. The researcher is the Unit Commander of Motherwell FCS Unit. The participants are the investigators in the same unit. There will be discomfort and anxiety from the participants. As the Unit Commander, the researcher was dressed in plain clothes, a smart-casual dress code that was not intimidating or sending a message to the junior officer's participants. The researcher, influenced by Henning (2005:66-67) and Bailey (1978:384), as quoted in Kumar (2012:245), the researcher observed the difference between affording the participants space and not giving them the idea that the researcher as the senior ranking officer was exercising excessive authority or abuse of power over the process conducting a rigidly controlled interview.

On the other hand, the researcher avoided a situation whereby the participants would be reminded that they were just subjects for information or were being examined. This has put the participants at ease, and the participants were also allowed to ask questions during the interviews. Denscombe (2014:323) contributes that during the data collection the researcher have to be cautious in ensuring that participants remain unharmed and the data process should be monitored at all times to avoid any unforeseen circumstance which may harm the participants. Denscombe (2014:323) suggests that this may reveal expansively rich data from the participants. The researcher adhered to bracketing by keeping to herself her opinions and personal experience regarding the rationale of the research as well as the interview questions and answers. By so doing, the researcher did not have any undue influence toward what the participants said; it was the obligation of the researcher to ensure that the participants remain unharmed by affording them a chance to participate voluntarily and having first-hand information about their safety and that the information they gave

will not be used against them. This was also including the VISPOL members at Motherwell SAPS.

1.15.4 *INTEGRITY AND PROFESSIONALISM*

The researcher has ensured that integrity and professionalism are maintained under all circumstances throughout the research to avoid and prevent any unethical issues. The researcher has ensured that the information collected is valid, reliable, collected in a professional manner, and all the sources in the research were cited, listed in the list of references. All the authors were acknowledged accordingly and in a manner that will not contradict the SAPS code of conduct.

1.16 RESEARCH STRUCTURE

The research consists of four chapters:

Chapter 1

Chapter one dealt with the general orientation of the study. This also covered the methodological aspects that framed the study.

Chapter 2

In chapter two, the researcher briefly discussed from literature and empirical data what criminal investigation is, the objectives of a criminal investigation, what forensic investigation is, what a crime scene is and what elements of rape are. The chapter also discussed the aspects relating to a statement, what a statement is, and empirical feedback from the samples about statement taking in stranger rape cases pertaining to important details to be captured, a brief discussion on the purpose of the statement, composition of the statement, identified deficiencies in statement taking, SAPS guidelines for statement taking and challenges experienced in an ineffectively taken statement. These aspects were discussed from a literature perspective and compared with the empirical data gathered from the participants. Verbatim quotes were used in the text to support the narrative.

Chapter 3

In chapter three, the researcher discussed the victim assistance at the CSC during the reporting phase of rape, the rights of the victim when reporting rape at CSC, duties and the training of the police officials who are working at the CSC, the duties and training of the FCS detectives and what role of the investigating officer is in relation to adhering to the investigation of stranger rape and the above-listed aspects.

Chapter 4

In chapter four, the findings and recommendations are discussed, along with the conclusion of the study.

CHAPTER 2: THE VALUE OF STRANGER RAPE VICTIM STATEMENT

2.1 INTRODUCTION

Every community has its own set of ordinances, obligations and norms whereby everybody is expected to abide by these rules. It is a cultural norm that when the rules are violated or disobeyed, it must be established as to who violated the rules, what has been violated and how. To find out the latter, an investigation must be pursued (Palmiotto 2013:1).

Rape is one such violation of not just rules and norms but legislation too. However, before somebody can be punished, a legal inquiry should be conducted to reveal the truth. This is done to uncover the truth in a legal and systematic way, identify the perpetrator and bring such perpetrator to justice.

In this chapter, the following aspects were discussed as foundational to the study: the criminal investigation, objectives of a criminal investigation, crime scene, forensic investigation, rape, the elements of rape/stranger rape, the statement, the purpose of the statement, the composition of the statement, identified deficiencies in statement taking, SAPS guidelines for statement taking, and challenges experienced in an ineffectively taken statement. The researcher has consulted different literature to determine what other authors say regarding the research question's aims and research question. Although rape is one of the national concerns, most authors did not focus much on the important aspects to be captured in the victim statement of stranger rape; therefore, the researcher found it difficult to get the most relevant literature, while other authors focused on the rape itself and did not dwell much on stranger rape.

This study is empirical; therefore, the researcher made use of both primary and secondary data collection personally by consulting literature and conducting semi-structured interviews in a face-to-face manner with two samples, A and B. This was done to get rich information and explore participants' knowledge and experience regarding foundational aspects of the study as listed supra.

2.2 CRIMINAL INVESTIGATION

Criminal investigation is the combination of two different words, 'crime' and 'investigation', in order to come up with 'criminal investigation'. Crime on its own means a prohibited or unlawful conduct, and whoever is accused of committing it will be subjected to a trial and, upon conviction, punishment. Crime investigation, in simpler terms, means to 'find out the truth'.

Orthmann and Hess (2013:8) believe that criminal investigation is the recreation of past events whereby facts are based on evidence gathered by investigators to prove that indeed the suspect has committed the offence. Similarly, Dutelle and Becker (2019:3) explain that criminal investigation is an inquiry or a process to seek the truth after an incident has occurred whereby the perpetrator's innocence or guilt lies with the justice system's decision after evidence has been brought before the court. Monckton-Smith et al. (2013:2) echo this by quoting the UK Criminal Investigation and Procedure Act 1996, where the criminal investigation is defined as a way of finding out whether an offence has been committed and if so by who in order to submit that as evidence to be decided on in court.

During the interview, the participants from both samples were asked what criminal investigation is. The following responses were recorded:

Sample A: VISPOL members

- Almost half of the participants believe that criminal investigation is the unveiling of truth for court purposes;
- The remainder of the participants said that criminal investigation is:
 - The follow up made by the police after the case has been reported to confirm whether the crime occurred indeed and the perpetrator must be sent to court for prosecution;
 - The process of finding the truth as to who committed the offence, when, where, how, with what and why? and

- The collection of information and exhibits from the crime scene to find who the suspect is.

Sample B: FCS investigators

- Almost half of the participants said that criminal investigation unveils the systematic truth when the crime has been committed and a process to identify the perpetrator;
- The remainder of the participants replied as follows:
 - Criminal investigation is the investigation conducted in order to bring the perpetrator to justice;
 - Criminal investigation is the process of collecting, preserving, packaging, sealing, dispatching of exhibits collected from the crime scene, which can be either a moving scene, i.e. human being, in case of rape or a place/location until this evidence or exhibits are presented before the court for the court to decide whether to prosecute or not; and
 - Criminal investigation is the process to prove that the crime has occurred and bringing the perpetrator to the court of law.

“... when understanding crime investigation, it is about a systematic search for the truth.” Sample A: Part 2

“... when understanding criminal investigation, it is the process to prove that the crime has really occurred and to bring the perpetrator to the court of law.” Sample B: Part 5

Based on the above literature review and the participants' response, it has been confirmed that the participants are well conversant about crime investigation, and they all know and understand what criminal investigation is. Their views are very similar to those described in seminal literature.

When conducting an investigation, the investigator must be clear about the criminal investigation's objectives before and during the investigation process. This will help the investigator not to divert or to lose focus in the process of legal inquiry. The next section discusses the objectives of a criminal investigation.

2.3 OBJECTIVES OF CRIMINAL INVESTIGATION

Criminal investigation is defined along the lines of actions or objectives. Often one reads in the literature about goals, objectives and aims and some authors use these terms interchangeably. For this discussion, the researcher defines an objective as an intention or plan, a stepping stone on how to reach your goal, a precise action or a measurable step taken in a short-term period to achieve a (longer term) goal. These objectives are to determine whether a crime has been committed, identify who committed the crime and then apprehend this person and finally give evidence supporting a conviction when the case is taken to court (Police: Criminal investigation 2020). When referring to the actions or objectives mentioned by Police: Criminal investigation (2020) above, it is clear that achieving these objectives will result in a successful prosecution.

Lyman (2013:7) submits that due to ever-changing crime patterns, with modernised criminal activities, investigators' roles can be more confusing to our society. He observes the objectives of criminal investigation as to:

- Detect whether a crime has been committed;
- Identify and locate the suspect/s in crimes;
- Arrest suspects in crimes;
- Recover stolen property; and
- Prepare sound criminal cases for prosecution.

Stelfox (2013:2) argues that the objectives of criminal investigation have changed. Its intent was solely intended at bringing the perpetrator to justice; hence, criminal investigation was more designed to apprehend the perpetrator more than anything. However, this has changed in the recent past, and currently, it also includes victim

care, community satisfaction and involvement, intelligence-driven investigation, disturbance of illegal systems, and managing varieties of illegal risks (Stelfox 2013:2).

For this research, participants from both samples were asked what they understand about the objectives of a criminal investigation. The researcher deemed it important for the participants to share their insight into the building blocks or foundational aspects within the investigation and to allow them to unpack it from their perspective.

Sample A: VISPOL members

The participants were asked what they understand about the objectives of criminal investigation:

- The minority of the participants did not know or understand the objectives of a criminal investigation are, during the interview, each answered separately that “I do not know”;
- The majority of the participants seem to have a common understanding with Lyman (2013:7); they mentioned the following objectives:
 - Objectives of criminal investigation is a way to detect crime;
 - The objectives of a criminal investigation are investigating crime (without elaborating what this meant); and
 - Objectives of a criminal investigation are to bring the perpetrator before the court for conviction or acquittal.

Sample B: FCS investigators

The participants were asked the same question as to what are the objectives of criminal investigation.

- More than half of the participants stated that the objectives of criminal investigation are to ascertain whether the offence occurred and by whom and then to bring such a person to the court of law; and
- The minority of the participants believe that the objectives of criminal investigation are to see to it that the victim of crime is taken care of,

comprehensive evidence is gathered properly, the perpetrator is traced, arrested and brought before the court for successful prosecution.

“...when understanding the objectives of criminal investigation, it is a way to detect crime.” Sample A: Part 3

“...when understanding the objectives of criminal investigation, it is to see to it that the victim is taken care of, comprehensive evidence is gathered properly, the perpetrator is traced, arrested and brought before court for successful prosecution.” Sample B: Part 4

Guided by the literature review and the response from the participants, the researcher discovered that the objectives of a criminal investigation are to ensure that indeed a crime has been committed, the victim and the community are safe and protected, the right perpetrator has been identified and arrested, possible exhibits are properly collected, handled, packaged and dispatched accordingly, and the comprehensive evidence is presented at court for possible prosecution and conviction.

It became evident that the participants in Sample A do understand the objectives of criminal investigation because, during the interview, the majority of the participants answered in line with the understanding or view of Lyman (2013:7). Only two participants answered that they do not know or understand what are the objectives of criminal investigation. While two seems a small number, it is a quarter of the Sample A participants. The VISPOL participants are the first people to receive and attend to reported rape cases at CSC; it is, therefore, imperative for them as members of the SAPS to know the objectives of a criminal investigation so that when obtaining rape statements at CSC, they should gather relevant information that is enough to achieve the objectives of a criminal investigation. This can have a bad impact on the quality of statements obtained at CSC, resulting in losing or overlooking crucial information that may have shed light in the investigation of stranger rape or may cause an unnecessary delay in investigating rape cases. Participants in Sample B were asked the same question, and their responses were aligned well with the literature (Lyman 2013:7 & Stelfox 2013:2).

In the next section, the researcher is discussing the forensic investigation. Dutelle and Becker (2019:7) explain the origin of criminal investigation as that when the activity of policing came into existence, then a need for analysts who will be able to understand and analyse evidence that will be kept for forensic evaluation also arose; hence they believe that criminal investigation is the application of scientific methods during the analysis of a crime scene. The same authors believe that this was when the forensic investigation and forensic science came into existence.

2.4 FORENSIC INVESTIGATION

Dutelle and Becker (2019:7) explain that forensic investigation is a process that utilises science and technology to test theories that could be exercised in a court of law to resolve questions concerning events that transpired. Van der Watt (2011:35) adds that considering the broad references to the terms 'forensic', 'forensic investigation' and 'forensic science' by numerous authoritative authors in the field of crime investigation, one can securely cast it as "customary detective work", or as a minimum, some of its ever-increasing scientific methods, as part of forensic investigation. Dutelle and Becker (2019:7) contribute that forensic investigation uses forensic knowledge in the process of lawful inquiry to unveil the systematic truth, whereas forensic science is the mere use of science to civil or criminal law. The participants were asked what their understanding of forensic investigation is.

Sample A: VISPOL members

- The majority of the participants believe that forensic investigation has something to do with the Forensic Science Laboratory, and they also mentioned that it is the application of science to solve crime;
- A quarter of the participants answered that it is to investigate forensic evidence of a crime and when asked to elaborate about the forensic evidence, one of them mentioned semen, saliva, fingerprints and cigarette butts; and
- A minority of the participants did not answer; they said they do not know what forensic investigation is.

Sample B: FCS investigators

The same question was asked to this sample, and their response was recorded as follows:

- More than half of the participants believed that forensic investigation is the same as criminal investigation; the only difference is that forensic investigation is obtained scientifically. Some mentioned the use of crime exhibit kits which are then sent for examination and analysis at the forensic laboratory;
- The remainder gave the following feedback:
 - It is the investigation of crime in-depth to reveal what cannot be seen with a naked eye; and
 - It is the gathering of information in the form of physical evidence when the crime has been committed.

“...when understanding the forensic investigation, it is the application of science in the investigation of crime.” Sample A: Part 6

“...when understanding the forensic investigation, it is the same as criminal investigation, the only difference is that with Forensic investigation, the evidence is gathered scientifically, for instance, crime kits which are obtained by the Doctor of Forensic Nurse for

Justified by authors and participants' opinions, the researcher views forensic investigation as an unveiling of the truth scientifically; in a nutshell, the forensic investigation focuses on applying forensic science to the criminal investigation, whereas criminal investigation focuses on finding the truth (Dutelle & Becker 2019:7). The researcher has also noticed that during the interviews, almost all the participants found difficulty in responding to the question 'what forensic investigation is?' since about three-quarters of the participants in Sample A associated it with the Forensic Science Laboratory (FSL), which conducts the analysis of forensic types of evidence or the investigation of the forensic evidence from the crime scene, such as semen, saliva and blood. Much of this is supported by literature (Carrier & Spafford 2004:3; Dutelle & Becker 2019:7; Van der Watt 2011:35). The remaining quarter of the participants in Sample A pointed out that they have no idea what forensic investigation is.

The researcher was a bit concerned about the responses of participants in Sample A who had a narrow understanding or no idea at all, as to what forensic investigation is. These participants are working at the CSC; they are the ones who open, register and obtain statements at the reporting phase of the rape cases. They should know more, especially regarding the victim statement; if they have no idea or such a little understanding of the latter, they will not know its value.

On the other hand, all the participants in Sample B understand what forensic investigation is, almost all of them concur, and their opinions are in line with the literature (Carrier & Spafford 2004:3; Van der Watt 2011:35) who posit that there is not much difference between criminal investigation and forensic investigation. The only difference is that with forensic investigation, evidence is gathered scientifically to support a criminal investigation. This is also supported by Dutelle and Becker (2019:7).

In this section, the words 'evidence' and 'exhibit' were often mentioned; one would ask where do you get the latter and how important they are in the investigation of stranger

rape. Whatever is contained in the statement of the stranger rape victim will be supported/refuted by the evidence at the scene. In the following section, the researcher discusses the crime scene to determine what other authors say about the crime scene and whether the participants in this study understand what a crime scene is. Knowing what a crime scene is and how to approach it can, to a great extent, provide evidential value to that which is mentioned in the statement of the rape victim.

2.5 CRIME SCENE

Osterburg and Ward (2010:91) state that the crime scene covers all the places where all the people involved during the commission of the crime were moving; these people can be either victims, witnesses or perpetrators. Monckton-Smith et al. (2013:75) define the crime scene as that it can be almost anything from

- a stretch of road,
- a room or a bath
- to a person, living or dead.

On the other hand, Palmiotto (2013:143-144) highlights three crime scenes in a rape case: the exact location where the rape occurred, the body of the victim, and the body of the suspect.

The crime scene is one of the building blocks or key points of criminal investigation (Dutelle & Becker 2019:65). Palmiotto (2013:148) submits that it is important to find out what happened and where to look for evidence or proof of such occurrence. This refers to a crime scene where this evidence is specifically found; for instance, fingerprints, semen, hair and saliva can all be present at the scene but overlooked/missed because it was not known where to look. Gilbert (2010:80) further advises that the processing or attending to the crime scene is the most important investigation phase; therefore, the investigator should focus more on searching for visible exhibits to microscopically obtained evidence that needs a magnifying glass.

The participants were asked what do they understand about the crime scene, and the following answers were recorded:

SAMPLE A: VISPOL members

- Half of the participants said that this is where the act of crime took place or the crime's exact location; and
- The other half of the participants believe that crime scene is the exact place, a person and it can be a house, a vehicle and or a field where the crime has been committed, where exhibits and evidence that a crime has been committed are collected packaged, processed and dispatched for the purpose of solving a crime.

SAMPLE B: FCS investigators

- All the participants from this sample were clear on what a crime scene is. Their responses included the following specific responses:
 - The crime scene is the location where the alleged crime has taken place. There are three types of crime scenes: the location itself, that is, the place, the body of the victim and the body of the suspect; the crime scene is the point of departure and focuses on the journey of investigation.

"...when understanding crime scene, is the exact place, a person and it can be a house, a vehicle and or a field where the crime has been committed." Sample A: Part 5

"...when understanding crime scene, it is the location where the alleged crime has taken place, for an example, a location, body of the victim and body of the suspect." Sample B: Part 1

Based on the literature consulted and participants' views, it is evident that a crime scene is a place or the location where the alleged offence has taken place. There are three crime scenes when investigating rape and where the investigating officer has to focus on to get physical evidence/exhibits. These are:

- The location: that is a house, a car, open field or bushes where you can find physical evidence like cigarette butts, bloodstained clothing, used condoms, used glass with fingerprints of the suspect or bed linen and any other invisible evidence which can be obtained scientifically, for instance, underlying fingerprints, spermatozoa, semen, DNA from the sweat in the clothing of the suspect;
- The body of the victim where you can find blood-stained underwear or clothing, flesh remnants of the suspects under the nails of the victim, foreign hair (pubic or head hair from the suspect), etc. and
- The body of the suspect where you can find visible scratch marks which can be a sign that there was a struggle between the victim and the suspect during the rape incident, and they can be compared to the human flesh remnants under the fingernails of the victim, blood-stained clothing which might have traces of victim's blood, foreign human hair which might belong to the victim, any victim's belongings like a watch, necklace or a ring which were taken by the suspect during the rape incident. Some suspects are ignorant and careless and likely to take the victim's belonging after or during the rape and have a tendency of wearing them immediately more especially in stranger rape cases because they know that the victim does not know the suspect. Therefore, the suspects can also be linked with the victim's belongings.

The researcher has noticed that both samples understand and have a clear knowledge of what is a crime scene, their understanding and submissions match and concur with consulted literature from Osterburg and Ward (2010:91), Gilbert (2010:80) and Palmiotto (2013:143-144) they all emphasised that crime scene is the point of departure in the investigation of crime because that is where the crucial evidence may be found during the investigation of rape. From this point, it is vital that whatever is written into the victim's statement must agree with the location and setting of the crime scene. If the rape occurred in an abandoned building, this must be clear from the statement's content. In the following section, the researcher discusses rape and stranger rape.

2.6 RAPE

Section 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No. 32 of 2007) (SORMAA) defines rape as an unlawful and intentional act of sexual penetration of a person without his or her consent. This Act provides that rape may be committed by either a man or a woman without his/her consent, the victim can be either a man or a woman, and the suspect can also be a woman or a man. This is unlike before 2007, where the suspect of rape could legally only be a male/s. In terms of this Act, rape may also be committed by a person of the same gender as the victim, which means that both genders may be perpetrators and victims of rape.

In subsection (2) of the same act, it is further stated that rape may be committed by unlawfully and intentionally penetrating the genital organs or anus of another person by an object. Subsection (3) penetration is defined as “to include any act which causes penetration to any extent whatsoever by –

- (a) The genital organs of one person into the genital organs, anus, or mouth of another person;
- (b) Any other part of the body of one person or, any object, including any part of the body of an animal, into the genital organs or anus of another person; or
- (c) The genital organs of an animal, into the mouth of another person” (SAPS 2012:67).

This is echoed in the Sexual Offences Training Manual (2010:64) in which it is stated that the definition of rape in SORMAA replaces the common law definition, it is said that in terms of Section 3 of SORMAA, “a person is guilty of the offence of rape if he or she:

- “Unlawfully and intentionally;
- Commits an act of sexual penetration with a complainant; and
- Without his or her consent.”

In this definition, penetration is not measured; it does not matter how deep or shallow is the penetration; even the slightest extent is sufficient. Orthmann and Hess

(2013:331) are of the same view that rape is sexual intercourse with a person against his or her will.

The participants were all asked to define rape, and from their answers, the researcher established that all the participants are well conversant with Section 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007).

The researcher then asked the follow-up question, which was, “what is stranger rape?” The following were their answers:

Sample A: VISPOL members

- The majority understood that stranger rape is when a person who is not known to the victim perpetrates the act of rape against the victim; and
- One participant answered that stranger rape is when strange things occurred during the rape incident. This was the response from the participant when asked a follow up question as to what is stranger rape? The participant was never asked what are the “strange things”.

Sample B: FCS investigators

All participants in Sample B concurred with Sample A; they all answered that stranger rape is an unlawful and intentional sexual intercourse of a person without his or her consent by a person who is unknown to him or her. This feedback is in line with the definition of stranger rape in the Free Dictionary (2008:1) and Pistorius (2005:24) cited by Van der Watt (2011:43).

“...when understanding stranger rape, it is when a person has been raped by a person who is a stranger to her or him” Sample A: Part 4

“...when understanding stranger rape, it is an unlawful and intentional sexual intercourse of a person without his or her consent by a person who is unknown to him or her” Sample B: Part 5

Hearing from the victim what happened and being able to link it to a specific crime, based on the elements of the crime, is very important, and the detective/SAPS member who takes the victims statement must be able to do just that. Furthermore, since the legislation does not define ‘stranger rape’, it is very important that when the victim describes the incident, the SAPS official is specific about asking the victim whether they knew the suspect. In so doing, the incident can clearly be captured as a stranger rape case.

2.7 ELEMENTS OF RAPE

In view of the fact that the crime of stranger rape is not classified in common law, investigators make use of the elements for rape when investigating a stranger rape. The only difference is that with stranger rape, the victim is raped by a stranger or somebody unknown to the victim, but the elements are the same. According to SAPS (2012:67-68) citing (SORMAA), for a crime to be recognised as rape, the following elements must be proven beyond a reasonable doubt:

- unlawfulness;
- intention;
- penetration of genital organs or any other openings in the body of a person by a body part of another person or by an object, e.g. a broomstick, bottle, pencil etc. and without consent. Gilbert (2010:292) also reckons that any sexual penetration, however slight it is, is enough to constitute a crime; and
- without consent

The participants from both samples were asked what the elements of rape are. Table 2.1 below reflects their responses.

Table 2.1: Elements of rape

Element	Sample A (8 participants)	Sample B (5 participants)	Comment
Unlawfulness	8	5	All the participants from both samples mentioned this element.
Intention	6	2	Almost all of Sample A and less than half of Sample B mentioned this element.
Sexual penetration	4	5	Half of Sample A and all of Sample B mentioned this element.
Without consent	8	5	All the participants from both samples mentioned this element.
Other aspects mentioned	Some of the participants mentioned additional aspects.		
Force	6	5	Most of the Sample A participants and all of the participants from Sample B mentioned force – although it is not an element of rape as per the SORMAA.
Act	4	5	Half of Sample A and all of Sample B mentioned an act, although this too is not an element of rape.

(Author's own design)

From the data, it is clear that Sample A collectively has identified the elements of rape, but not all of them could mention all of the elements together: unlawful intention, sexual penetration, and no consent. This is of major concern, as it will result in statements not reflecting all of the required elements of rape if taken by these VISPOL members. All the participants from both samples underwent Police Basic Training, where, amongst other things, they were taught about the elements of crimes, including rape: and the importance of capturing these elements in the statement of the victim.

Sample B has also been trained specifically to investigate sexual offences. All the participants were able to mention the elements of rape with the exception of intention. Only two participants mentioned this element, which is problematic in relation to capturing a comprehensive statement. Intention is also important as an element of rape because without proving the intention of the perpetrator, it will not be easy to prove rape. This is also a concern, as investigators who are specifically dealing with the investigation of rape, they should know better.

“...when understanding elements of rape, there should be unlawfulness, penetration and without consent.” Sample A: Part 8

“...when understanding elements of rape, it must be an unlawful, intentional act of forcing the victim to engage into a sexual activity/intercourse which is against victims will.” Sample B: Part 2

Based on the literature consulted and the participants' responses, it was established that elements of rape are unlawfulness, intention, without consent, and sexual penetration. While force is dispersed within the constellation of an incident of rape (but it is not an element), if consent is not there, which is implicit in the definition, there is no need to prove force.

Unlawfulness means what was done is against the law, both common and criminal law. This must be clear from the content of the victim's statement. The victim must indicate that consent was not given or even if it was given, it was because of the threat of violence or other coercion, or even that the victim was drugged.

Intention means that it must be the aim or intention of the perpetrator to rape. This must also be clear from the victim's statement. The suspect must have intended to rape the victim.

Consent means voluntary or agreement from the victim. If it is without the victim's agreement, it becomes rape. Once again, the issue of consent must be emphasised. The fact that consent may have been given because the suspect threatened the victim

does not mean it was consensual. In addition to which, during the trial, this is the element that is usually attacked by the defence. An example of a woman who has a drink at a night club and her drink is spiked with a drug. Later on, in the CCTV footage, she is seen hanging onto the suspect, and they seem to be having a good time. He takes her home and rapes her; the absence of consent makes this rape. While this is perhaps an oversimplification, it illustrates the importance of this element as perhaps the most important of them.

Penetration means the insertion of genital organs or any object into another person's organs, e.g. vagina, anus or mouth, regardless of the extent of penetration. From the statement of the victim, this conduct by the suspect must be clear. If there was bodily penetration, there should be physical (microscopic) evidence, for instance, semen, smears and this could be identified or analysed under a microscope. Thus, the physical examination of the victim is of the utmost importance.

Force means violent power exerted upon a person by another person, either by physical means or threats, but the person must be reduced into fear and succumb to the perpetrator (author's own understanding). Almost all the participants mentioned this as an element of rape; they regarded it as one of the important elements to prove rape of which it is not. Force, is not an element of rape; it is a weapon or a method used by the perpetrator to disarm or coerce the victim; it only shows how the perpetrator got hold of the victim. Even though it is not an element of rape, during court proceedings, when the perpetrator has been found guilty, he or she can also be punished for using force to perpetuate his or her actions during rape. For an example in a case whereby the perpetrator grabbed the victim by her neck, hit her with fists and dragged her into his car and drove to the bushes where he forced her again to undress, and she did that to avoid a further beating, and she gave in, not that she undressed voluntarily, but she was scared. The perpetrator was charged for kidnapping and was sentenced to six years of direct imprisonment and was found guilty of rape and sentenced to life imprisonment. Therefore, it is imperative for the participants to understand and not to confuse this point with them; if the victim does not mention force immediately, they would think that there was no rape; there goes the perpetrator, more especially in stranger rape cases.

Act on its own means the action, what has been done, for instance, talking, touching, pointing the list is endless; it is definitely not an element of rape. Act is what is being done by the perpetrator to pursue his unlawful act, for us to be able to say it was lawful or not, was it an intentional or not, did he penetrate the victim or not we must know what exactly did the perpetrator do based on what is mentioned above. To such an extent, during a rape trial at court, when the perpetrator is being convicted, his or her actions are mentioned as to what he said, what did he do? These are not the elements of rape, and most of the participants still think or regard them as elements. This confusion may have a bad impact on the statement taking of a rape victim statement of stranger rape because they will focus on actions and modus operandi of the perpetrator and lose the elements which need to be proven beyond a reasonable doubt before the court of law during trial after the perpetrator has been arrested.

The difference between the elements of rape and stranger rape is that for stranger rape to be regarded as stranger rape, the perpetrator must be unknown to the victim; he/she must be a stranger to the victim. All other elements are the same except that the perpetrator is unknown to the victim.

The rape victim's statement is of vital importance; it can help identify the unknown perpetrator through the perpetrator's detailed description by the victim in cases where the victim can describe the perpetrator. When the perpetrator is apprehended, he/she will be prosecuted to prove the crime committed at court. In the next section, the researcher will discuss the statement and what the requirements of a good statement are.

2.8 THE STATEMENT

According to SAPS (2008:305), a statement is a written record of facts as noted by the person who witnessed the incident, it can be supplied to a court of law as evidence, and the facts can be expressed verbally or in writing. This is supported by Lochner (2014:60) who says that a statement is a verbal communication that relates facts and information and is reduced in writing, it is also a record of what witnesses have said, and the state is depending on its contents to decide whether to prosecute or not. SAPS

(2010a:162), citing Joubert and Brink (2004:18), submit that a statement is a written report of the surveillances, discernments and intuitions felt by the deponent during or after a certain situation. They also add that before the prosecutor's decision to prosecute or not, it must be established that all the elements of the crime in issue have been confirmed. In their opinion, a statement should be as accurate record as possible of what a witness has said, and it should consist of three parts:

- A preamble;
- The content; and
- A certificate by a commissioner of oaths.

However, they believe that taking statements seems to be a skill that comes with experience and one that many police officers need to work on (SAPS 2010a:162 citing Joubert & Brink 2004).

2.8.1 PURPOSE OF THE STATEMENT

The purpose of a statement is to certify and preserve the information gathered in an investigation from witnesses, suspects and complainants. The statement is used as a form of evidence in a court of law and reflects an event that has occurred and been attested to (SAPS 2010a:162). Lochner (2014:62-63) adds that a statement serves different purposes in different legal settings or fora within the South African context. In a criminal trial, a witness statement is of primary importance. He further submits that witness statements are often challenged in court by the defence, sometimes with catastrophic results if the statement was taken improperly. It is through an effectively taken statement that the state presents its case before the court.

2.8.2 COMPOSITION OF STATEMENT

A detailed statement comprises three parts, the preamble, the contents and the ending (Bruce & Moran 2006:71; SAPS 2008:313 & Lochner 2014:64). Each of these will be discussed briefly below.

2.8.2.1 PREAMBLE

A statement opens with a preamble that contains the details of the person giving the statement, it can be the victim or any other person who has witnessed the incident, or somebody else who has been told about the incident, and for the purpose of this research, such a person is being referred to as a 'deponent' (Bruce & Moran 2006:71; Lochner 2014:94; SAPS 2008:31). The aim of the preamble is to pinpoint the deponent and to ensure that the deponent can be located at a later stage (SAPS 2008:313); these personal details are very important (Bruce & Moran 2006:71). The above authors are supported by Lochner (2014:94), who views the preamble as an introduction at the beginning of a statement which is aimed at identifying and tracing the deponent when necessary, during the process of criminal investigation. He elaborates that the preamble should be completed properly because at times, the criminal investigation/ case docket is transferred to another investigating officers, therefore the preamble will be the point of departure for the new investigation officer.

The preamble commences at the top of the page and includes the full names and surname of the deponent (written in capital letters), the language in which the statement is presented and whether it is acquired under oath or merely affirmed (SAPS 2008:313). The following additional information pertaining to the deponent is then logged in a paragraph, and it is numbered 1, before the paragraph and centre aligned on the page (Bruce & Moran 2006:72; Lochner 2014:94; SAPS 2008:313):

- The Crime Reference and Case Number (if available);
- Whether the statement was translated and, if so, from which language;
- Full names and surname of the deponent
- Gender, race, language group and identity number and age of the deponent;
- Home address: full street name and number, as well as the suburb and town or city: a Post Box is insufficient;
- Home telephone with exchange code, and if the deponent does not have a telephone, this must be recorded. Use the numbers of a neighbour or relative if the witness does not have access to a phone;
- Cellular phone details including email address;

- Occupation and the name and company or organisation, together with its complete street address where the deponent is employed;
- The business telephone number, including the extension of the deponent;
- It is emphasised that if applicable, the district in which the residence is located and the name of the father, kraal head, captain or chief must also be recorded, as, without this information, it may be difficult to trace the deponent, especially if the deponent resides in a rural area or even an informal settlement and
- It is advisable that the last sentence in the preamble should mention that the statement was made by the deponent on a voluntary basis (Lochner 2014:94).

Investigators will find it very difficult to trace the victim or the person who is a witness if the contact details are not accurately recorded. This can impact negatively on both the investigation (when detectives cannot trace witnesses and therefore cannot complete the investigation) and on trial (when subpoenas cannot be drawn up or served because no one knows where the witness is). In para 2.8.3 below, this is mentioned by the FCS detectives as one of the challenges they experience when the statements are poorly taken by the VISPOL members.

2.8.2.2 CONTENTS

A full detailed report must be logged and arranged in the sequence of the incidents in a logical order of every incident constituting of the event (SAPS 2008:315). This is where the story of the deponent is told and this is the content/body of the statement (Van Niekerk, Lochner, Naidoo & Zinn 2015:237). The first paragraph usually begins with the day of the week, date, time and place of the occurrence (SAPS 2010a:28). Lochner (2014:98 – 99) also contributes that when, where, which, what, who and how should be asked at this part of the statement in order to obtain a complete statement. Traditionally, this is the easiest and most logical manner to begin a statement. This is the crucial information required for the investigation and later when the case appears before the court. It is further emphasised that the precise location ought to be stated, with mention to the building, street name and number and suburb where the incidence occurred. The day of the week is a piece of important information to be logged together with the date to eradicate confusion. The time the incident occurred needs to be

determined as accurately as possible and noted in the statement. It is articulated that the information in this paragraph is of great importance and contains enormous evidential value, and therefore great precaution must be taken into account in order to get pre-eminent results. The following should be considered:

- Importance of elements of crime

It is very important that the member who obtains the statement to know all the essentials pertaining to the elements derived from the definition of the crime. This will ensure that all the information shared by the deponent depicting each of the elements of the crime is captured correctly and completely. If these elements are incorrectly or incompletely captured, the criminal case may not reach a successful conclusion, and the investigating officer will direct his/her investigation in a specific route centred on this information. This was discussed fully in paragraph 2.7 above. The Public Prosecutor will also utilise this information emanating from this paragraph to formulate a charge. In addition to the elements of the crime, other very important details must be captured in the victim's statement. Based on this information, the investigating official will direct the investigation in a specific direction. The SAPS have provided a checklist to assist investigating officers in taking down complete and comprehensive statements. This is attached as Annexure D.

After the introductory paragraph, there should be a logical flow of the information. Below is a representation of what this may look like.

- Evidence of the occurrences

This paragraph entails the 'how' of the incident. The deponent ought to communicate the acts of all noted parties involved. The incidents prior to the crime, as well as those afterwards, need to be noted and recorded.

- Evidence of own perception

It is crucial that all victims state everything they have noticed, and it is also important to focus on the victim's observations at the site of the incident of crime in order to be able to connect the perpetrator to the crime committed.

- Description of a suspect

This is one of the most important aspects to be captured in the victim statement of any crime but, in this instance, that of a stranger rape. A detailed description of the suspect can help to shed light on the identity of the suspect. Moreover, it can help draft an identikit, which is the drawing, made to reconstruct the unknown suspect's facial features described by the victim/deponent. The identikit can be used to trace the suspect. It is also advised that too much pressure on the victim to obtain a description of the perpetrator might cause the victim to succumb to the pressure and give any description, irrespective of whether it is accurate or not. So, the investigator must proceed with caution here.

In cases of stranger rape, the following must be indicated to describe the suspect:

- | | | |
|--|--------|-------------|
| • Race | Gender | Nationality |
| • Age | Height | Build |
| • Forehead | Face | Eyebrows |
| • Eyes (colour, contact lenses) | Nose | Mouth |
| • Lips | Teeth | Chin |
| • Ears | Hair | Complexion |
| • Moustache | Beard | Dress |
| • Facial or bodily peculiarities, tattoos or other marks | | Habits |

People tend to be creatures of habit. Perpetrators have a tendency or a habit that reveals a consistency in their behaviour which makes it possible to link them with crimes; that is why a systematic approach to the investigative process is imperative (SAPS 2010a:32). This means that obtaining detailed information about the perpetrator's actions, even a record of their voice through their speech can be recollected by the victim. This habit, behaviour or tendency is referred to as *modus operandi*. *Modus operandi* describes the suspect's way of working, and this behaviour pattern can link cases when there is no forensic evidence available for DNA testing or where the testing was unsuccessful or not yet available. Therefore, it is essential to bring together other physical traces, e.g. fingerprints, shoe and tool marks, with a description of the offender and 'aspects' of their behaviour to recognise a link in crime information obtained in the statement (SAPS 2010a:32).

- Identification

It is very important to record whether the deponent will be able to identify the suspect (SAPS 2010a:33) or not. Osterburg and Ward (2010:8) submit that pinpointing the culprit is the primary ambition of all criminal investigations, but the proficiency to bring a suspect to justice relies on the evidence brought forth for conviction. They further state that "... this may take many forms, including physical evidence linking the suspect to the scene (fingerprints, blood, DNA, tool marks); possession of evidence from the scene (property, fibres, hair); physical identification (tattoos, deformities, physical descriptors); and eyewitness descriptions, which, incidentally, have proven to be highly unreliable when the suspect is not known to victim or witnesses". They also add, "*modus operandi* or method of operation is a critical factor".

From the empirical data discussed above, it has also been established that there are shortcomings in the content or the body of the statement. Police officers do not know the elements of crime, and seemingly, some of them are not yet well conversant with criminal law. It has further been discovered that the shortcomings start at the beginning of the statement, i.e. the preamble when full names, including the victim's nickname, are not complete or included as this will be of great help during the investigation to locate the victim. This is echoed by Bruce and Moran (2006:75) supported by Lochner (2014:94)

- Should the prosecutor base their decision on what to charge the accused with on a statement with missing information, they may charge the accused with the wrong crime. Though it is possible to add new charges against the accused during the trial and for the evidence in court to correct any errors on the charge sheet, it is possible that these mistakes get overlooked by prosecutors and that the accused is acquitted;
- Police officers often seem not to realise the importance of stating all the facts given to them. The first officers at the scene will take down a brief statement on the basis that the investigating officer will take a complete statement later on. Instead, investigating officers see that there is a statement from the witness in the docket and therefore do not bother taking another one. As a result, crucial and even basic facts are left out. This can be very embarrassing

for the witness when they are told when giving evidence that something they have said is not in the statement. And, of course, it can lead to the acquittal of a guilty person;

- Some members rewrite what witnesses tell them in their own words. This means that the police members interpret what the witness says and puts their own opinion in the statement. They may also miss details they think are irrelevant. However, even information that seems irrelevant or minor may be what wins the case. Persuasion lies in the detail. It is essential that police officers are true to what a witness has told them, down to the most minor details;
- Statements that do not give the facts in chronological order can be confusing and result in the case being lost. It is essential that events are written down in the correct order; and
- Witness statements should not contradict each other. A second statement should clarify or confirm the first statement. If the two statements' contents are contradictory, the reason for this needs to be clarified before the statements are finalised.

This is very concerning since the SAPS provides guidelines for capturing a comprehensive rape victim statement and is available to all police officials. It would appear that while the tool is available, the police officials do not use it.

2.8.2.3 CERTIFICATE BY COMMISSIONER OF OATHS

Bruce and Moran (2006:76) submit that sometimes, police officers do not understand that the person making the statement must be present when the commissioner of oaths certificate is filled in. They further mention that a witness may deny in court that they swore to the oath (because they were not asked to by the police), which will have a serious effect on their evidence.

Only a Commissioner of Oaths may administer an oath, affirmation, or take a solemn or attested declaration (SAPS 2010a:168). After the victim has concluded the content of the statement, he/she should be requested to read through the report. If any

corrections are to be made, they should be resolved before he/she signs the statement.

After the oath has been done, the victim is asked to sign the statement on the first or second line following the third response. If the statement contains more than one page, the victim needs to sign their initials at the bottom of each page submitted (SAPS 2010a:167) citing SO (G) 327). The police official needs to certify that they took down the statement and that it was sworn to in their presence. Again, the police official must write the following words directly after the signature of the victim, starting against the margin - *“I certify that the above statement was taken down by me and that the deponent (meaning the person who is giving the statement) has acknowledged that he (or she) knows and understands the contents of this statement. This statement was affirmed before me, and the deponent’s signature was placed thereon in my presence at... (place)..on..(date)..at (time)...”* and thereafter, below on the right-hand side of the page, the deponent puts his/her signature with service number, rank, full names, surname, full street address of the Police Station, and lastly, at the bottom of the statement, write his/her rank and SA Police Service in Capital letters (SAPS 2010a: 38).

It is emphasised that the certification and the particulars of the Commissioner of Oaths may not be amended in any manner (SAPS 2010a:36-37).

During the interview, participants were asked what a statement is.

Sample A: VISPOL members

- A quarter of the participants answered that a statement is the re-telling and a record of what has happened in the form of a written document;
- Half of the participants answered that a statement is a written document obtained from the victim, witnesses and accused to prove that a crime has been committed indeed; and

- The last quarter of the participants answered that a statement is the written information obtained from the victim by the police at CSC when opening a case docket.

Sample B: FCS investigators

- The majority of participants answered that a statement is the information obtained from the victim, witnesses, police members, and suspects concerning the crime committed to proving that the crime has been committed and
- The remaining participants answered that a statement is a written record of events that will be used to decide whether to prosecute or not.

The participant's responses corresponded with the consulted literature. Based on the participant's responses and the consulted literature, the researcher concluded that the statement is a record of an incident whereby the victim, observer or witness of an incident is giving their version of occurrence either by a written document or a verbal report which will serve as a proof that a crime has indeed been committed and the state will decide whether to prosecute or not depending on what is in the record or written document (statement)

"...when understanding what a statement is, it is the re-telling of what has happened in the form of a written document." Sample A:

Part 1

"...when understanding the statement, it is a written record of events, before, during and after an incident has happened and this record will be used at court as an evidence for the court to decide whether to prosecute or not." Sample B: Part 4

The VISPOL participants were also asked what the important aspects are to be captured in the victim statement of stranger rape. And the following was recorded:

- The majority of the participants answered that full names and address with contact details of the victim is important to be captured in the victim statement of stranger rape;
- Almost half of the participants answered that the incident's date and time it occurred are important aspects to be captured in the victim statement of stranger rape;
- Half of the participants answered that a place where the incident occurred is important to be captured in the victim's statement of rape;
- A minority of the participants answered that the unknown suspect's description is important to be captured in the victim statement of stranger rape; and
- A quarter of the participants answered that it must be indicated in the victim's statement whether there are any witnesses or eyewitnesses who heard or saw the incident.

Based on the response from the participants and the literature consulted (Bruce & Moran 2006; Lochner 2014; SAPS 2008 & SAPS 2010a), it became evident that the participants in Sample A are not conversant with the important aspects to be captured in the victim statement of stranger rape; hence the investigators have to retake the statements to bridge the gaps. This is of great concern because VISPOL is responsible for opening and registering all reported cases at CSC, therefore should some of the important aspects be omitted or overlooked, the investigators will find it difficult to continue, which will delay the process of investigation. In addition to this, when a rape victim's statement needs to be retaken, secondary trauma occurs, which is not in the interest of the victim.

As mentioned previously, this is a worrisome situation. The SAPS have provided guidelines to assist their officials in taking down comprehensive rape victim statements; it is available to all police officials. Unfortunately, from the feedback above, nobody mentioned these guidelines, which may appear that while the tool is available, the police officials simply do not use it.

2.8.3 STATEMENT TAKING AND DEFICIENCIES IDENTIFIED

The participants were asked various questions pertaining to statement taking. The VISPOL members' questions are from questions 5 to 11 in Section A (Sample A). All of them will be discussed below, except for questions 7 and 11. Question 7 will be discussed in paragraph 2.8.4 below, and question 11 has been discussed in the preceding paragraph. The FCS members' questions are from questions 6 to 8 in Section A (Sample B), and these will be reported on below.

The VISPOL participants report that they had taken a minimum of 10 stranger rape statements each in their careers (Section A question 6). When they were asked, have they ever received feedback from the investigating officers about the effectiveness of the statements they obtained from stranger rape victims (Section A question 9), only two of these members received feedback from the investigating officer about the effectiveness of the statement they took and six received no feedback. This was about the feedback on the effectiveness of their statements obtained from the victims of stranger rape. It was not about the complaints or the ineffectiveness of their statement; hence, there was a follow-up question about whether they ever experienced complaints about their statement taking. This has been discussed in-depth as a question on its own below.

Moreover, they all indicated that they would like to know whether the statement they took had evidential value and where they could improve their skills in their statement taking (Section a questions 9 and 10). From these responses, it appeared that the participants are eager to be upskilled in areas where they are lacking and would like to be assisted with this by the detectives.

The FCS members were asked how many stranger rape cases they had investigated and how well these cases performed at court. They were also asked to elaborate on why they thought some of their cases did well and why some of their cases did poorly. Collectively their responses are as follows:

The FCS members have investigated approximately 48 cases of stranger rape collectively. The primary reasons why their cases performed well at court were:

- The majority of participants answered that they had to re-take the stranger rape victim statement in-depth and into detail in order to get more information which yielded, in the end, a clear description to identify the unknown suspect; and
- The minority of participants revealed that they used other means to build their case using physical evidence, e.g. medical evidence, crime kits, fingerprints, and/or clothing that carry the suspect and victim's DNA. The said physical evidence is sent to FSL for Database comparison or DNA Linkage.

The primary reasons why their cases did not perform well at court or never taken to court was:

- The majority of the participants answered that the incomplete contact details of the victim in his/her statement, for instance, the full address and telephone number, this omission caused a delay or total unattainability of the victim to such that the case ends up withdrawn due to the unavailability of the victim; and
- The remaining participants answered that even though they managed to take the cases to court, the cases were struck off the court roll due to unclear identification/description of the suspect; for instance, the defence lawyer challenged the description of the suspect, which was not mentioned in the victim statement during the reporting phase at CSC, claiming that the victim has been dully influenced after she opened a case and why did she describe the suspect to the investigator later on not on the reporting phase.

The VISPOL participants were also asked whether they had experienced complaints relating to rape victim statements, specifically stranger rape (Section A question 5). They were asked to elaborate on their responses.

Sample A: VISPOL members gave the following feedback on the question about the complaints.

- Almost half of the participants answered that they received a complaint that victim statements were too short, they mentioned that victims of rape are too emotional, and they could not take a comprehensive statement;
- A quarter of the participants answered that there was a complaint about the omission/incomplete address and contact details of the victim; they elaborated that their belief was that if the victim does not know the suspect, there is no need for a long-detailed statement more especially when the victim was drunk or intoxicated during the incident of rape, they believe that the case will not go any further;
- One participant said that he experienced that the investigators do not want to obtain statements from the victims themselves as they are the ones who will be investigating the case docket of stranger rape and that he has not been trained to take the statement of stranger rape and
- One participant answered that he has never experienced any complaint related to stranger rape victim statements ever since he started dealing with rape cases at Motherwell SAPS.

Similarly, the FCS detectives were asked how often they had to retake the CSC members' statements and what they thought contributed to this.

Sample B: FCS Investigators

- The majority of the participants answered that they had experienced a challenge with regard to the contact details of the victim in his/her statement, for instance, incomplete address or false address. In such instances, they cannot trace the victim;
- The remaining participants answered that the victim's statement was not detailed enough, which meant they had to re-take victim statements. Problems identified were due to the shortness of the version of what happened, no clear details of the crime scene, e.g. the exact location, no detailed description of the suspect, date and time of the incident not into detail, the contents of the

statement do not cover all the elements of crime committed and lastly the certification of the statements where the victim has to sign their statement, they mentioned that they received unsigned statements even though the victim was at CSC personally, but they were never asked to sign their statements of which that causes the statement to be invalid, and

- None of the participants elaborated on the possible reasons for this, and the researcher did not press them for an answer.

“...when understanding the complaints experienced relating to stranger rape victim statement, it is when there is no need to write a long-detailed statement if the victim doesn’t know the suspect or when the victim was intoxicated during the incident of rape”. Sample A: Part 5

“...when understanding challenges experienced relating to stranger rape victim statement, it is when the investigator had to retake the statement due to insufficient information regarding identification of the suspect”. Sample B: Part 2

The researcher concluded that there are still complaints or shortcomings experienced by both samples relating to rape cases, specifically so, stranger rape victim statements. It became evident that there are important aspects that need to be captured. Seemingly, Sample A does not take stranger rape victim statements as accurate as they should be due to the fact that the suspect is unknown. Similarly, Sample B is complaining that there are important aspects to be captured in the victim statement of stranger rape, which Sample A is overlooking or omitting when obtaining such statements.

In some CSC, including Motherwell CSC, they use proforma or photocopied forms for statement taking. While this can help ensure that important information is filled in, some police officers think that the space provided for the statement in the proforma is the only space they can use. Instead of writing everything a witness says down and using extra paper if necessary, they try to fit everything on one page/space provided.

As a result, key information ended up being omitted due to the small space in the proforma (Bruce & Moran 2006:76-77; SAPS 2010b:28; SO(G) 301.4)

2.8.4 SAPS GUIDELINES FOR STATEMENT TAKING

The SAPS have provided a variety of guidelines for the taking of statements in different contexts. The participants from Sample A were asked only about the procedures relating to privacy and gender issue when taking a statement from a rape victim, and thus the empirical data in this section will only speak to these two issues. The guidelines for statement taking are contained in, among others, N/I 3 of 2008. According to the National Instruction 3 of 2008 (para. 3), the following are important:

- The preparation of taking the statement

This is where proper care needs to be taken, for instance, the room's privacy where the statement is taken, away from the public's eye with no noise and not to rush the victim when taking down the statement.

- Presence of an interested person

The investigating officer needs to highlight to the victim the importance of the presence of any person who is there to support the victim.

- Discussion of intimate details

The detective will have to ask the victim about intimate details pertaining to the crime.

- Victim must be told not to hide anything (N/I 3/2008 Sexual Offences)

It is vitally important that the victim is encouraged not to hide anything.

In addition, a checklist is provided for the detectives to guide them in the capturing of an accurate and fully comprehensive statement. This checklist is attached as Annexure D.

The VISPOL participants were asked, whether pertaining to their own experiences relating to statement taking, there were procedures or instructions relating to the

privacy or gender preferences when the rape victim’s statement is taken at the CSC. They were asked to elaborate.

- The majority of the participants said yes, there were procedures and instructions. They indicated that the victims’ statement should be taken in privacy, in a private room, away from the public eye, with no disturbance or noise;
- All of the participants answered that the rape victim statement must be obtained by the SAPS member, preferably a gender of the victim’s choice, but this depends on the availability of such a preferred gender at that particular CSC; and
- Half of the participants did not know what the exact instruction that regulates the taking of victim statement of rape is that they only mentioned that there is a N/I, but they do not know which one.

Below is the table that reveals the response of the participants in Sample A individually.

Table 2.2: Responses of Sample A to the existence of procedures or instructions on gender preference and privacy when taking the statement from a rape victim.

PART. NO.	YES/NO	INSTRUCTION/ PROCEDURE	PRIVACY	GENDER PREFERENCE
1	√	√	√	√
2	√	×	√	√
3	√	×	√	√
4	√	×	√	√
5	√	√	√	√
6	√	×	√	√
7	√	√	√	√
8	√	√	√	√

(Authors own design)

Based on the response of the participants, it became evident that half of the participants in Sample A, even though they do not know or they are not sure exactly

as to which instructions or regulations which regulates statement taking regarding the privacy and gender preference are, but they do know very well the contents or what is stipulated in these regulations, specifically pertaining to privacy and gender issues. This can mean one thing or two: either they are ignorant or lack memory, how can they know the instruction or regulation content but not the regulation or N/I itself? The following are the instructions in the South African Police Service (2008:312), SO 322, 327, and SO (G) 18 of 1999, which are existing regulations regarding statements taking that must be complied with by SAPS members. These instructions stipulate amongst other instructions that the members of the SAPS must ensure that all the victims of rape are treated with dignity, their statements must be obtained in a private room, away from the public eye by a designated member, and if they have a gender preference, they should be offered according to their preference or choice.

This concludes the empirical and theoretical discussion of the topics relating to chapter 2. Fundamental to this research's focus was exploring the crime elements that must be captured in the statement of a victim of stranger rape.

2.9 SUMMARY

In this chapter, the researcher addressed the empirical data emanating from questions in both Sections A and B of the interview schedules. According to the information gathered from the literature review and the researcher's interviews, it became evident that the investigation of rape is not an easy task and needs a dedicated, well-trained and skilled person.

The researcher also discussed the following aspects as foundational to the study. Crime investigation, the objective of criminal investigation and forensic investigation were discussed in the opening portion of the chapter. The criminal investigation objectives were discussed, and it was clear from the literature that there are several different viewpoints on this. The researcher ultimately selected a source that captured the objective concisely, and this was ultimately the benchmark for the empirical data.

Further discussions in the chapter covered what a crime scene is, what are rape and stranger rape, as well as the elements of rape. For the most part, the participants had a sound understanding of these aspects, with the exception of the elements of rape, from Sample A.

Then the researcher addressed the important aspects to be captured in the victim statement of stranger rape. The formal SAPS guidelines were tabulated, and the results show that half of the participants in Sample A are not familiar as to where exactly are these guidelines contained or drafted, but they know the contents or what is stipulated in these guidelines. This is of grave concern, to exercise a regulation or N/I when you do not even know what it is or where is it stipulated is difficult, the members end up mixing and confusing these regulations because some got them from word of mouth. It is either they are lazy or ignorant to read with understanding what these regulations or procedures are, where are they tabulated or stipulated, CSC members are the face of SAPS. Therefore, the members at CSC have to familiarise themselves with almost everything if they say they do not know which is the N/I or procedure regulating privacy and gender of the victim of rape, how do they exercise/implement it, maybe they follow suit from their colleagues, they are not sure themselves. They are supposed to know each time they act that they are guided by such a guideline or such a N/I. This may have a bad impact on their statement taking, then the resultant statement taken from that victim may not be of sound evidential value. Chapter three will discuss dealing with rape and stranger rape victims.

CHAPTER 3: SOUTH AFRICAN POLICE SERVICE

PROTOCOLS WHEN DEALING WITH VICTIMS OF CRIME

3.1 INTRODUCTION

The moment when there is a crime or an incident, there should be a restoration process that originates from the following two sources:

- The observable physical evidence, (i.e. physical evidence); and
- The written or spoken word of those who witnessed or in one way or another participated in the act or incident (Sennewald & Tsukayama 2006:95; van der Watt 2015:163).

It is the duty of the state to see to it that criminal differences between people are investigated and solved; the criminal justice system has assigned this duty to the SAPS, and for them to execute this role effectively, police officials play an important role in obtaining relevant evidence and submit it to court. It is essential that the facts are reduced to writing and safely kept until required or dealt with otherwise, and this is done through statement taking (SAPS 2008:305). This is echoed by SAPS (2010a:162) guided by SO (G) 322, where it is stated that the taking of statements at the CSC is one of the most important aspects in compiling evidence in a case docket, and the statement is often the founding document of an investigation and the primary evidence led in a court of law.

It is further mentioned that the SAPS is empowered by law to gather the information that will assist them with their constitutional duty to investigate and combat crime. In SAPS (2010a:162), it is emphasised that information alone is, however, not sufficient enough to prove a crime. A crime can only be proven by gathering evidence pertaining to the specific crime. It is said that such evidence also includes statements by complainants and witnesses.

Van Niekerk et al (2015:230) state that because witnesses are very important to the criminal justice process and the police therefore, it is important to make the best use of their evidence and get the best out of them as far possible as one can. Lochner

(2014:16) supports the above authors, he contributes that a witness is somebody who is in possession of imperative and relevant information which can make a crucial contribution to the judicial process.

In this chapter, the researcher discussed the victim assistance at the CSC during the reporting phase of the rape, the rights of the victim during this process, the duties of the VISPOL members who are working at the CSC when such a victim reports rape at the CSC, the training of VISPOL members who are working at the CSC, the role of the investigating officer, duties of the FCS members, and the training of the FCS members. During the discussion, the researcher will present the empirical data gathered from the two sample groups and juxtapose it with the literature from which an evaluation will be made.

3.2 VICTIM ASSISTANCE AT THE CSC

The police's role in the judicial process is to collect all the relevant information pertaining to a case and present it in court (SAPS 2008:306). One of the ways in which the police collect this information is by taking statements from witnesses. Monckton-Smith et al. (2013:154) believe that there is a distinct difference between the terms 'victim' and 'witness', though both provide witness statements, and, despite the difference in definition, all victims are also potential witnesses. Osterburg and Ward (2010:123) believe that a victim is at the same time a witness and like any other witness can provide information. The researcher shares the same view as Osterburg and Ward (2010:123) by referring to the victim as a witness and believes that the victim is a potential witness. Palmiotto (2013:51) contributes that the key to crime solving lies with people. He suggests that investigators must communicate with witnesses, victims, informants, and suspects because he believes that the investigative process cannot be continued and the crime may never be solved without information.

Bruce and Moran (2006:14) believe that the victim is one of the main witnesses in a case, and his/her evidence is crucial to the investigation and prosecution to prove that the crime has indeed been committed. Therefore, the victim must be kept updated about the progress of his/her case; for instance, the investigating officer of their case

must keep the person informed when the suspect has been arrested, about the outcome of the formal bail application, and the next date of the court appearance of the accused. Dealing with crime victims is not a simple task and can be equally traumatising for police officials. To this end, police officials receive guidelines and training to assist them when they have to deal with victims. There are quite a number of these guidelines, but due to the scope of this research, the researcher selected the following guidelines as being the most relevant:

- SORMMA Framework;
- SAPS N/I 3/2008;
- Six Point Plan of the former Minister of Police; and
- Four-Point Rule for professional victim assistance.

As a guideline, Criminal Law, SORMAA has created a framework that will ensure adequate and effective protection to victims of sexual offences. In the SORMAA cited by the South African Police Service (2010a:121), it is stated that the police official may **NEVER:**

- “Make a judgment or humiliating remarks;
- Interview a victim in the full view of the public or in a manner that will make him/her uncomfortable;
- Blame the victim;
- Send the victim from pillar to post and
- Turn a victim away, irrespective of where the crime was committed”.

Instead, the police **MUST:**

- “Always view a report of the commission of a sexual offence in a very serious light;
- Must pay immediate attention thereto, irrespective of how long ago (before the report) the offence was allegedly committed; and
- Not turn a victim away simply because the alleged offence took place a long time ago or was allegedly committed in the station area of another police station”.

In addition to this, N/I 3/2008 on Sexual Offences also states that members of the SAPS should render a professional service to the victims of sexual offences when

investigating such cases and assist victims. A N/I is a National document for a particular organisation that regulates such an organisation's policies, visions, mission, values, norms, and rules. This document comes with instructions of which failure to adhere to the results in consequence management. SAPS as an organisation also have N/I, they vary annually, and they are also amended accordingly. As a guideline, the N/I 3/2008 5(3) stipulates that it is imperative that the member to whom a victim reports the commission of a sexual offence at a police station does the following: -

- (a) "Immediately requests the victim to accompany him or her to an appropriate area which is away from the main duty desk in the CSC and which is out of sight and hearing of persons in the CSC;
- (b) Reassures the victim that he or she is now safe and will be protected. If the victim and the alleged offender are in a domestic relationship, the member must advise the victim in accordance with the National Instruction on Domestic Violence; Determines whether the victim requires medical assistance and if so, make arrangements for the victim to obtain medical assistance as soon as possible;
- (c) Asks the victim whether he or she would prefer to have another person present to support him or her during the interview and, if the victim prefers that such person be present, allow such person to be present to support him or her during the interview;
- (d) Reassures the victim that he or she did the right thing to report the matter to the police and that the matter will be dealt with sensitively and that he or she will not unnecessarily be exposed to further traumatising;
- (e) Listens to what the victim says, without interrupting him or her and put him or her at ease; and
- (f) Writes down everything that the victim says, as it may be evidence that may assist the police in the investigation" (South African Police Service 2016a:7-8).

During his term, the former Minister of Police in South Africa, Mr Fikile Mbalula, had a vision that he referred to as a **Ministerial Six Point Plan**. This plan became the measuring tool and guideline for service delivery regarding handling victims of crime

by the police, including victims of sexual offences. Hereunder the researcher outlines the Six Point Plan:

- Point 1: “All victims must be treated with respect and dignity, and must be interviewed by a trained police official in a victim-sensitive manner;
- Point 2: Victims must be assisted in a victim-friendly room (VFR), an alternative room where the statement can be taken in private or another location providing victim support services;
- Point 3: Victims will be referred or taken for a medical examination by a healthcare professional to obtain medical evidence and complete a medical report, including treating the victim;
- Point 4: The investigation must be conducted by the Family Violence, Child Protection and Sexual Offences Investigations (FCS) Unit or a detective with the relevant training;
- Point 5: The families and victims of sexual offences, femicide and infanticide, must all be referred to the victim support services that are available in the area for legal, medical, social and psychological help; and
- Point 6: Victims must be proactively and continuously given feedback on the cases (Nthate 2017).

SAPS (2010a:119) contributes that when reporting an offence to a police official, the victim re-lives the event and, in so doing, experiences secondary trauma. It is further stated that there are FOUR-POINT RULES to offer professional victim assistance; this is illustrated in the table below:

Table 3.1: Victim assistance

RULE	ACTIONS STEPS (How)
1. Give immediate attention	<ol style="list-style-type: none"> 1. Immediate attention must be given to the victim at any time of the day or night. 2. No victims may be turned away. 3. An allegation by a person that he/she has been a victim must be viewed in a serious light. 4. Assist the victim in laying the complaint at your station, regardless of where the crime was committed.
5. Treat the victim and the third party with respect and dignity. <i>(A third-party means a counsellor, family member, friend or spouse supporting the victim.)</i>	<ol style="list-style-type: none"> 2.1 You must be: <ul style="list-style-type: none"> • Impartial • Polite • Respectful and • Helpful 2.2 Show empathy and be patient when dealing with the victims 2.3 Be sensitive to the needs of women, children, the elderly and people with disabilities. 2.4 Ensure that the needs and queries of the victims are attended to. 2.5 Listen to what the victim says without interrupting him or her and make sure that he/she feels at ease.
6. Protect the privacy of the victim	<ol style="list-style-type: none"> 3.1 Conduct the interview with the victim in an appropriate area that is out of the sight and hearing of other persons. 3.2 Allow the victim to be accompanied by a third party of the victim's choice, <i>if that person is not a potential witness in the case.</i> 3.3 The third party is allowed to support and reassure the victim during the interview.

	<p>3.4 Reassure the victim that he/she is now safe and will be protected.</p> <p>3.5 Reassure the victim that he/she has done the right thing to report the matter to the police.</p> <p>3.6 Reassure the victim that the matter will be attended to in a sensitive matter.</p>
<p>7. Provide information so as to prevent sexual offences from taking place.</p>	<p>4.1 Places to avoid such as open spaces with long grass, railway stations, public toilets, parking areas.</p> <p>4.2 You are most vulnerable to sexual perpetrators when:</p> <ul style="list-style-type: none"> • In dark and deserted places • At night • Walking alone at night • Not locking and closing the windows of your car, when you talk to strangers if you stop at stranded vehicles • If you fail to report a sexual offence or identity of the sexual offender • If a case is withdrawn to avoid unpleasantness <p>4.3 How to protect oneself by observing their surroundings.</p> <p>4.4 How to protect yourself on a date by saying NO. YOU HAVE THE RIGHT TO SAY NO!</p> <p>4.5 How to protect oneself at home by knowing your neighbours and a local police station.</p> <p>4.6 What a person should do if they find themselves in danger of being raped. Be calm, cooperate and negotiate. Remember the appearance of the attacker.</p>

(Source: South African Police Service 2016a:120-121)

The following Table 3.2 is the integration or tabulation of the FOUR documents that the researcher consulted in this study regarding the victim assistance, SORMAA, N/I 3/2008, SIX POINT PLAN and the FOUR-POINT RULE. These four documents complement each other, and they all outline what must be done when a victim comes to the SAPS for assistance. It is the obligation and duty of all SAPS members to adhere to and comply with these documents. Failure to do so might negatively impact the service delivery, dent the image of the SAPS, breach the SAPS Code of Conduct, and inflict secondary trauma on the victims of crime, more especially the rape victims.

The participants from both samples were asked the following questions:

Are there any guidelines in terms of what assistance can be rendered to the victims at the CSC during the reporting phase of rape? And also, they were asked whether, according to their career experience what the rights of the victims of rape are when they come to the CSC to report a rape. Their responses were captured in the table below as per the relevant category of each of the four documents they were able to mention.

Table 3.2: Comparison of four documents that guide the victim assistance at the CSC and tallied sample responses

SORMAA	N/I 3/2008	SIX-POINT PLAN	FOUR-POINT RULE
<p>The SAPS member who is attending to a rape victim must be considerate of secondary traumatisation when interacting with such a victim that during the incident of rape, the victim suffers a severe trauma which does not only affect the victim but his/her entire family. (Sample B – 2 participants) (Sample A – 0 participants)</p>	<p>It is imperative for SAPS members to reassure the victim that he or she did the right thing to report the matter to the police and that the matter will be dealt with sensitively and that he or she will not unnecessarily be exposed to further traumatisation. (Sample B – 2 participants) (Sample A – no participants)</p>	<p>Point 5: The families and victims of sexual offences, femicide and infanticide must all be referred to the victim support services that are available in the area for legal, medical, social and psychological help (No participant from either sample mentioned this)</p>	<p>Rule No 2: Treat the victim and the third party with respect and dignity. (A third-party means a counsellor, family member, friend or spouse supporting the victim) (No participants from either sample mentioned this)</p>
<p>The Police Official must never interview a victim in the full view of the public or in a manner that will make him/her uncomfortable. (Sample A – 4 participants) (Sample B – 2 participants)</p>	<p>The SAPS member must immediately request the victim to accompany him or her to an appropriate area away from the main duty desk in the CSC and out of sight and hearing of other persons in the community service centre.</p>	<p>Victims must be assisted in a victim-friendly room (VFR), an alternative room where the statement can be taken in private or another location providing victim support services.”</p>	<p>Protect the privacy of the victim (Sample A - 4 participants) (Sample B – 2 participants)</p>

SORMAA	N/I 3/2008	SIX-POINT PLAN	FOUR-POINT RULE
	(No participant from either sample mentioned this)	(No participant from either sample mentioned this)	
<p>The SAPS members must not turn a victim away simply because the alleged offence took place a long time ago or was allegedly committed in the station area of another police station (Sample A – 4 participants) (Sample B – 2 participants)</p>			<p>Immediate attention must be given to the victim at any time of the day or night. No victims may be turned away. Assist the victim in laying the complaint at your station, regardless of where the crime was committed. (Sample A – 3 participants) (Sample B – 2 participants)</p>
	<p>The SAPS member must determine whether the victim requires medical assistance and, if so, make arrangements for the victim to obtain medical assistance as soon as possible</p>		<p>Victims must be referred or taken for a medical examination by a healthcare professional to obtain medical evidence and complete a medical report, including treating the victim (Sample A – 1 participant) (Sample B – 1 participant)</p>

SORMAA	N/I 3/2008	SIX-POINT PLAN	FOUR-POINT RULE
	(No participant from either sample) mentioned this)		
	The SAPS member must listen to what the victim says without interrupting him or her and put him or her at ease (No participant from either sample mentioned this)		
	The SAPS member must ask the victim whether he or she would prefer to have another person present to support him or her during the interview and, if the victim prefers that such person be present, allow such person to be present to support him or her during the interview		Allow the victim to be accompanied by a third party of the victim's choice, if that person is not a potential witness in the case. The third party is allowed to support and reassure the victim during the interview. (No participant from either sample mentioned this)

SORMAA	N/I 3/2008	SIX-POINT PLAN	FOUR-POINT RULE
	(No participant from either sample mentioned this)		
The SAPS member must never make a judgment or humiliating remarks when interacting with the victim (No participant from either sample mentioned this)		All victims must be treated with respect and dignity, and they must be interviewed by a trained police official in a victim-sensitive manner (Sample A – 5 participants) (Sample B – 4 participants)	The SAPS member must be impartial, polite, respectful and helpful when dealing or interacting with victims (No participant from either sample mentioned this)
			4. Provide information so as to prevent sexual offences from taking place. (No participant from either sample mentioned this)

(Source: Author's own design)

In these four documents, it is clearly stated that victims must never be turned away from the CSC, they can report and be attended to at any police station regardless of where the offence took place, the SAPS members must open and register the case docket, do the preliminary investigation and send the docket to the relevant station. The SAPS members must be cautious not to inflict secondary trauma on the victims when they are interacting with them, and they should also be mindful that the family and relatives of the victim are also traumatised by the incident of rape; therefore, the family should be offered assistance if necessary, e.g. referred for counselling as well. The participants' responses (indicated in the table) are also recorded below:

Sample A: VISPOL members

- One participant answered that there are guidelines, but he is not sure about all of them. What he knows is that the victim should be treated with dignity and professionalism;
- A quarter of the participants said that the guidelines were dealt with during the training on sexual offences course, and they mentioned that victims of rape should never be turned away at CSC; all the victims must be attended to regardless of the place where the crime occurred, or their residential address or area, or race and age;
- Half of the participants answered that guidelines emphasised that all victims should be treated with dignity, equally and privately, a victim of rape statement should never be taken in public and
- The last participant answered that the victim should be informed about the services available to her or him, e.g. free medical examination, treatment, counselling, free legal advice, and court presentation.

Sample B: FCS investigator

- Less than half of the participants answered that there are guidelines that the VISPOL members who attend to the victims of rape at CSC should follow in order to take care of victims, more especially rape victims, as they are also the crime scenes. That means they are also carrying vital evidence in the investigation of rape, for example, semen and hair from the perpetrator; therefore, they should be handled with care, dignity and be given satisfactory assistance;
- One participant answered that she is not sure about the written guidelines to assist the rape victims but what she knows is that victims should be offered all available services, e.g. information about free medical treatment, free legal representation, and be informed about what is going to happen after the case docket has been opened and registered and
- The remaining participants answered that there is a N/I though they did not know which one, but seemingly they agree with the participants in Sample A that the victims of rape should be treated equally, privately and with respect to avoiding secondary traumatisation.

“...when understanding guidelines in terms of what assistance can be rendered to the victims at CSC during reporting phase of rape, it is emphasised that all victims should be treated equally, privately, victim statement should never be taken in public and the victim should be informed about the services available to her or him, e.g. free medical examination, treatment, counselling and free legal representation at court.” Sample A: Part 6

“...when understanding guidelines in terms of what assistance can be rendered to the victims at CSC during reporting phase of rape, it is to take care of victims, as the victims are also the crime scene, that means, they are also carrying a vital evidence in the investigation of rape; therefore they should be handled with care and be given an adequate assistance.” Sample B: Part 1

Therefore, grounded by the consulted literature, namely the SORMAA, the N/I 3/2008, the Minister’s Six Point Plan, the SAPS FOUR-POINT RULE, SAPS (2010a:121), the SAPS Learning Guide (South African Police Service 2016a:120-121), and the responses from the participants, several observations were made. The researcher observed that the participants from both samples have a very limited idea of what the guidelines are, in terms of what assistance can be rendered to the victims at CSC during reporting phase of rape. These aspects are discussed and stipulated in SORMAA, N/I 3/2008, Minister’s Six Point Plan, SAPS FOUR-POINT RULE, SAPS (2010a:121), South African Police Service (2016a:120-121). There is still much more work to be done because one participant from Sample A mentioned that he is not sure about all of these guidelines. This while he is working at the CSC. If he is not sure of the guidelines, then how is he going to implement or exercise them. The remaining participants mentioned few rules and guidelines, but not a single one (from either sample) has mentioned Rule number 4 which is to provide information as to prevent sexual offences from taking place.

Rule number 4 is highly important as it is a pro-active rule to inform the victims to be vigilant, e.g. to avoid dark and deserted areas, not to walk alone at night, a victim has

a right to say 'No' even if she/he knows the suspect (date rape) etc. If the said rule could be implemented or exercised at CSC to every victim of rape, it can be helpful and can have an impact in the process of creating awareness and alerting the rape victims before and after the rape in an attempt to decrease the rate of rape in South Africa.

In creating a safe and sound environment for the victims of crime and decreasing the rate of rape, a Service Charter was established for the victims of crime, including rape victims.

3.2.1 RIGHTS OF THE VICTIM

The Service Charter For Victims Of Crime (also called the Charter for Victim's Rights) is a Parliamentary initiative that contains minimum standards of service that victims are entitled to when they visit a police station or any Civil Service provider for assistance (SAPS 2010b:18). It is further stated that the rights afforded to victims in accordance with the Charter for Victim's Rights are already articulated in various decrees and Human Rights protection instruments, like the Constitution (Act No 108 of 1996), the SAPS Act, 1995 (Act No 68 of 1995), SAPS Regulations, SAPS N/I and Standing Orders.

Bruce and Moran (2006:15) highlight that to prevent secondary victimisation, improve victims' lives, combat crime, and respond to perceptions that victims' rights are not protected. Supporting the above authors, the government has developed the Service Charter for Victims of Crime in South Africa (South Africa 2021). The charter outlines a victim's rights as follows:

- "Be treated with fairness and with respect for their dignity and privacy;
- Offer information;
- Receive information;
- Protection;
- Assistance; and
- Compensation and restitution".

The Charter further mentions that although victims of sexual offences and child victims are entitled to all the rights and protection that other victims have, they need even more protection because of the nature of the crime committed against them, their age and their vulnerability. The SAPS, as a department that is involved in the criminal justice system, is responsible for implementing the Charter's principles, and it has to ensure that the rights of victims as contained in the Victim's Charter are made a reality and that the minimum standards are met in all instances. The said rights include:

- (a) "The right to be treated with respect and dignity;
- (b) The right to offer information;
- (c) The right to receive information;
- (d) The right to protection;
- (e) The right to assistance;
- (f) The right to compensation; and
- (g) The right to restitution" (South Africa 2021).

During the interviews, the participants in both samples were asked the same question: "According to your career experience, what rights are the victims of rape entitled to when reporting rape cases at the CSC?" and the following was their responses.

Sample A: VISPOL members

- Less than half of the participants said that the victims of sexual offences, rape to be precise, have a right to be protected, right to be treated with dignity, right to life, and privacy;
- Less than half of the participants said that the victims of rape have the right to privacy and treatment;
- Less than half of the participants answered that they are not sure about the victim's rights. One of them mentioned that there are so many changes in the system, he does not know which is which; and
- A small minority said that the victim of rape has a right to be informed about the right to be tested for HIV and ask that the perpetrator be tested for HIV.

Sample B: FCS investigators

- The majority of the participants answered that all sexual offences victims have the right to be treated with dignity, have a right to be protected, have a right to be informed about all the services that they are entitled to, for instance, the case number after the case has been registered, the details of the Investigating Officer who will be investigating the case, the free medical treatment available, free counselling sessions, a right to be tested for any infectious disease which the victim may have contracted during the rape incident, including HIV and the victim has a right to ask that the perpetrator be tested for HIV as well; and
- The minority of the participants answered that the victim has a right to be informed about the progress of their case. They elaborated that the victim should be informed about each and every step or progress of their case, starting from the case number, arrest of the perpetrator, formal bail application, granting or opposing bail and to be informed about what is expected of them when the case is at court.

...when understanding the rights of a rape victim, when reporting rape case at CSC, they have a right to be protected, right to be treated with dignity, right to life, right to privacy (Sample A: Part 2:2019)

...when understanding the rights of a rape victim when reporting rape case at CSC, victims have a right to be informed about all the services that they are entitled to, for instance, a Case number after the case has been registered, the details of the investigating officer who will be investigating the case, the free medical treatment available, free counselling sessions, a right to be tested for any infectious disease which the victim may have contracted during the rape incident including HIV and the victim have a right to ask the perpetrator to be tested for HIV as well (Sample B: Part 3:2019)

Table 3.3: Service Charter for Victims of Crime in South Africa

Victims' rights	Sample A – 8 participants	SAMPLE B – 5 participants
The right to be treated with respect and dignity	3 participants	4 participants
The right to offer information	***	5 participants
The right to receive information	1 participant	4 participants
The right to protection	3 participants	4 participants
The right to assistance	***	1 participant
The right to compensation	***	***
The right to restitution	***	***

(Author's own design)

Grounded by the participants' responses and the information from the consulted documents, the researcher concluded that the participants are not familiar with victim's rights as stipulated in the Service Charter for Victims of Crime SAPS (South Africa 2021). Some of the participants answered that they are not sure about these rights. That is raising an eyebrow if the member of SAPS at the CSC where the victims start is not familiar with such a victim's rights, how is he or she going to help that victim. Victims have rights that the SAPS have to exercise, protect, and offer to them as it is said in the SAPS Code of Conduct that the South African Police Service members commit themselves to the creation of a safe and secure environment for all South Africans. In order to achieve a safe and secure environment, they undertake to:

- “Uphold and protect the fundamental rights of every person.”

Therefore, for the sake of service delivery, all the members of the SAPS are obligated to protect the rights of all victims and, in this context, specifically rape victims. In addition to the victims having specific rights, the VISPOL members who are on duty in the CSC have specific duties to perform. In the next section, the researcher discussed the duties of the VISPOL members who work in the CSC and who are the first line of assistance when a victim comes to the police station to report a crime.

3.3 DUTIES OF VISPOL MEMBERS AT CSC

Guided by Section 205(3) of the Constitution of the Republic of South Africa, 1996 (Act no. 108 of 1996); “The objectives of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law” (South Africa 1996:1331).

Apart from the constitutional driven duties, there are SAPS guidelines that are also in place to regulate SAPS members’ functioning and duties at the CSC. Regulated by the SO (G) 256, the primary duties of the members of SAPS (VISPOL), including the SAPS members who are working at the CSC, are:

- “To prevent crime;
- To be visible in the community and
- To attend to complaints”.

Hereunder, are the general duties performed at the CSC informed by SO (G) 256

- “The members at CSC must take responsibility for all duties with regard to CSC for the duration of working hours. The CSC is operating 24 hours with members taking shifts.
- All the complaints or reports laid at the CSC, which need police assistance, or action must be attended to as prescribed in the Standing Order.
- All reports must be entered in the Occurrence Book and on the Crime Administration System, using the CAS function. The action taken by the police must be entered in the OB and CAS.
- The members at CSC must open and register a case docket after a crime has been reported at CSC.
- There is a ruling that a victim who is reporting a crime may not be referred to another station even if the incident did not occur in the jurisdiction of such a station; a case docket must be opened, registered and sent back to the station of origin.

- Every member of the community who visits the CSC, whether it is for reporting a crime, certifying documents, requesting affidavits, reporting accident or fire, must be treated with dignity by the members on duty at CSC.
- The members at the CSC are also responsible for the answering of telephones”.

During the interviews, only Sample A participants, because they are working at CSC, were asked what your duties at the CSC are.

Sample A: VISPOL members

- Half of the participants answered that their duties are to interview the complainants at the CSC, obtain statements, open and register case dockets in the CAS system, answer the telephone, attend to complaints in the community of their jurisdiction, arrest and detain suspect;
- A quarter of the participants answered that their duties at CSC are to ensure professional and proper service delivery with regard to the handling of victims of crime, ensure that the victims are attended immediately and if possible, refer them for further assistance and
- One participant answered that his duty is to ensure that OB is up to date, neatly written up with accurate information, all CSC registers are written up accordingly, and the CAS system is up to date with the right crime codes and right charges.

“... when understanding duties at CSC, are to interview complainants, obtain statements, open case dockets and register case dockets on CAS, trace and arrest suspects, help community members with the certification of documents and affidavits.” Sample

A: Part 1

Based on the information gathered from the consulted literature, Section 205(3) of the Constitution of the Republic of South Africa, 1996 (Act no. 108 of 1996:133); SO (G) 256 and the participants’ responses, the researcher has noticed that even though the participants have an idea of their duties at CSC, they understand their duties

differently, meaning not all of them have the same understanding. Half of the participants mentioned interviewing the complainants, obtaining statements, opening and registering case dockets, attending to complaints out of the CSC, and detaining suspects. The other half of the participants never mentioned this; a quarter mentioned service delivery regarding the handling of victims of crime at CSC, and one-eighth of the participants mentioned the updating of the OB, which is Occurrence Book and other registers at CSC. This needs to be revisited; according to their years of experience at CSC, they should have been able to know their duties at CSC comprehensively.

3.3.1 TRAINING OF VISPOL MEMBERS AT THE CSC

All SAPS members employed in terms of the Police Act of 1995 undergo a Basic Police Development Learning Programme (BPDLP) for 24 months, which is divided into three phases. The researcher notes that while at the time when the research was being conducted, the SAPS were busy considering other training periods, for the purpose of this study, the 24-month training period was relevant to the participants. These phases are as follows:

Phase 1 – Foundation phase for ten months in the Police Academy

- In this phase, the focus is to get the necessary knowledge skills and
- Practical application of knowledge is applied in this phase.

Phase 2 – Work experience phase for 12 months at police stations

- The focus of this phase is exposure to the workplace.

Phase 3 – Final phase for two months in the Police Academy

- The focus is on assessments (SAPS 2010a:12).

According to SAPS Training (2016:10), upon completion of the basic training, the members of the SAPS are deemed well trained, and therefore, they are able to:

- Know and understand the individual's constitutional and legal rights, compare them with the legal infringement of such rights in an endeavour to maintain a safe and secure environment in the community.
- Assess policing principles and apply them to crime prevention.
- Gather information and evidence for the purpose of conducting a criminal investigation.
- Maintain, assess, and choose circumstances and capabilities in order to achieve their duty, which is to maintain safety and security for all.
- Assist in the criminal prosecution at court by giving evidence and supplying substantial documentation.
- Implement operational principles and enhance service delivery at CSC.
- Conduct themselves in a professional manner and improve the quality-of-service delivery to the community.

Thus, from the aforementioned, it is clear that police officials are trained in a wide spectrum of skills and should be able to deal with most crime situations they face, at least at the initial phase. During the interviews, only the participants in Sample A, VISPOL members working at CSC, were asked what training have you undergone to equip you to handle complaints or victims of rape?

Sample A: VISPOL members

- All the participants answered that they all underwent the BPDLP and were trained on how to deal with victims of rape generally. Elaborating, they all confirmed that they were trained on all types of rapes, including stranger rape, during their basic training.

A follow-up question was asked to the same Sample A, are there any specific requirements before one can be appointed to work at the CSC? Elaborate.

Sample A: VISPOL members

- All the participants answered yes. The person must be already employed as a police officer in terms of the Police Act of 1995. The person must be a South

African citizen, have a valid driving license, have passed senior certificate, or equivalent and must have completed BPDLP training.

- Half of the participants mentioned that the person must be proficient in at least two official languages, of which one must be English.
- A quarter of the participants answered that the person must not have a criminal record or pending criminal case against him or her.

When understanding the duties and training of VISPOL members, they were trained on how to attend to victims of rape generally (Sample A: Part 4:2019).

According to the response of the participants and the consulted literature, (SAPS 2010a:12; South African Police Service 2016a:10) and responses from the participants, it became evident that the VISPOL members in Sample A are aware of what a person should have and be equipped with before he/she be appointed to work at CSC as well as the duties and training on how to attend to victims of rape generally.

VISPOL members and FCS members are working hand in glove to address crime. The point of departure or starting point is the reporting phase when the victim of crime comes to the CSC to report a crime, the investigation of such crime until it is presented before the court. Each component has its role to play, and for the purpose of this study, the investigator's role should be visited. In the next section, the researcher discussed the role of the investigating officer

3.4 THE ROLE OF THE INVESTIGATING OFFICER

Osterburg and Ward (2010:5) submit that investigation of crime covers the collection of information and evidence for identifying, apprehending, and convicting suspected offenders. They further understand that the role of investigating officer includes the following:

- “Determine whether a crime has been committed;
- Decide if the crime was committed within the investigator's jurisdiction;

- Discover all facts pertaining to the complaint;
- Gather and preserve physical evidence;
- Develop and follow up all clues;
- Recover stolen property;
- Identify the perpetrator or eliminate a suspect as the perpetrator;
- Locate and apprehend the perpetrator;
- Aid in the prosecution of the offender by providing evidence of guilt that is admissible in court; and
- Testify effectively as a witness in court

Lochner (2014:9) seems to concur with Tsukanyama (2006:3) and Osterburg and Ward (2010:5). He adds that it is the role of the investigating officer to follow up clues or leads that may help to solve the crime and to present the evidence before the court of law. He further mentions that it is the investigating officer's role to ascertain that a crime was indeed committed and which crime exactly has been committed. By so doing, the perpetrator would be charged with the right crime, not a lesser crime/charge instead of a serious crime. For instance, charged with sexual assault instead of rape.

The N/I 3/2008 and SORMAA (Section 9) stipulate that the investigating officer is responsible for conducting a thorough and professional investigation in every case allocated to them. As soon as possible, the investigating officer must be informed that they have been designated to investigate a sexual offence and do specific activities. These specific activities, as set out in Table 3.4 below, explicate what the role of the investigating officer entails, and this is set against the feedback received from all of the participants in line with the following research question:

The participants were asked what role the investigating officer plays in the investigation of stranger rape. Their responses are captured in the table below, adjacent to the action as stipulated in either the SORMMA or the N/I 3/2008.

Table 3.4: The role of the investigating officer in terms of N/I 3/2008 and SORMAA

ACTIVITY OF INVESTIGATING OFFICER	SAMPLE A	SAMPLE B
<p>Take charge of the investigation. If the investigating officer cannot attend to the investigation immediately, he or she must give instruction by cellular or telephone or radio to a member attending to the victim and the crime scene, to inform the victim of procedures that the victim will have to undergo and explain to the victim the role of the investigation officer and how he or she will assist the victim.</p>	<p>No participant has mentioned this</p>	<p>No participant has mentioned this</p>
<p>If the victim is a child, ensure the safety of the child. This includes determining whether the child is in need of care and protection and, if so, taking appropriate steps to ensure the safety and protection of the child.</p>	<p>No participant has mentioned this</p>	<p>No participant mentioned this</p>
<p>Obtain information from the victim. Initially, the investigating officer should only take a statement from the victim that sets out what happened (this is only a preliminary statement). The investigating officer must take this statement in private, although a person of the victim's choice may be present.</p>	<p>One participant</p>	<p>Two participants</p>

ACTIVITY OF INVESTIGATING OFFICER	SAMPLE A	SAMPLE B
<p>Obtain an in-depth statement of the victim as soon as the victim has recuperated sufficiently from the ordeal (depending on circumstances, ideally within 24-36 hours). The reason for this is that a better statement can be obtained from the victim once the trauma he or she has experienced is less intense and a better rapport has been established with the investigating officer.</p>	<p>No participants mentioned this.</p>	<p>No participant mentioned this.</p>
<p>Keep the victim informed of the progress of the investigation (e.g. if the suspect is arrested, released on bail, dates of appearance in court). The details of all contacts by the investigating officer with the victim must be recorded in the investigation diary, mentioning inter alia date, time and place of contact and whether this was in person, telephonically or in writing. The victim must also be informed of the contact details of the investigating officer.</p>	<p>No participants mentioned this.</p>	<p>No participants mentioned this.</p>
<p>Submit a statement with regard to the crime scene irrespective of how long ago the incident occurred.</p>	<p>No participants mentioned this.</p>	<p>No participants mentioned this.</p>

(Authors own design)

The participants were asked what role the investigating officer plays in the investigation of stranger rape. Their responses are captured in Table 3.4 above, adjacent to the action as stipulated in either the SORMMA or the N/I 3/2008.

Sample A: VISPOL members

- More than half of the participants answered that the investigating officer should investigate the case and establish who the perpetrator is; and
- The remaining participants answered that they do not know what role the investigating officer should play except to investigate the case for court purposes.

Sample B: FCS investigators

- Almost half of the participants answered that the investigating officer's role in the investigation of stranger rape is to gather all the evidence, information and exhibits from the crime scenes, witnesses and laboratory, which can shed light on who committed the offence; and
- The remaining participants answered that the role of the investigating officer is to ensure that the victim is taken care of, that means he or she has undergone medical examination and treatment, has received counselling, the victim is safe and protected from further commission of rape. They further mentioned that the role of the investigator is to gather the information that can lead to the arrest of the unknown suspect as it is said that stranger rape refers to a rape of a victim by an unknown person.

...when understanding the role of the investigating officer, it is to collect all the evidence and exhibits which can reveal who the perpetrator is (Sample A: Part 7:2019).

...when understanding the role of the investigating officer, it is to ensure that the victim is taken care of, that he or she has undergone a medical examination, has received treatment, counselling, the victim is safe and protected (Sample B: Part 3:2019).

From the participants' feedback, the researcher observed that even though the investigating officer's role is deemed as vital in the investigation of crime, e.g. rape

including stranger rape, the participants in neither of the samples have a comprehensive understanding of the role of the investigating officer, and its importance. It appears from the data captured in Table 3.4 above that they are not well conversant with the contents of N/I 3/2008. Seemingly they only believe that the role of investigating officer is to arrest the suspect and to collect evidence for court purposes whereas, it is stipulated clearly in the N/I 3/2008 that the role of the investigator starts with the victim, the well-being and safety of the victim must be the priority. The I/O must take charge of the investigation, see that the victim is safe and protected, and the right and relevant information must be gathered to reveal the unknown perpetrator. The information in the table above confirms this; almost all the participants did not mention the activities in the table above. They all emphasise the apprehension of the perpetrator. What about the information that could be with the victim? That is why some of the victims withhold crucial information because they do not feel well looked after or important. It is clear that this aspect requires some form of up-skilling or sensitisation among the participants.

FCS members are trained as investigators, but they are specifically trained to investigate family violence, child protection related cases, and all sexually related offences. Below are the duties of FCS members and their duty when taking rape victim statements.

3.5 DUTIES OF FCS MEMBERS

As stipulated in the N/I 2 of 2019 and FCS mandate, the role or duties of FCS members is to:

- Ensure the effective prevention and investigation of FCS-related crimes according to the FCS mandate and
- To ensure excellence in service delivery to victims of family violence, crimes against children and sexual offences.

According to the mandate, FCS members are responsible for the investigation of the following cases:

- Family violence-related cases, intra-familial crimes whereby the victim is 18 years and above, e.g. attempted murder.
- Child protection related cases whereby the victim is below the age of 18, e.g. kidnapping.
- Sexual related cases, e.g. rape.

During the interviews, only the Sample B participants were asked what your duties as FCS members when taking statements from rape victims are. The following responses were recorded:

Sample B: FCS investigators

- One participant answered that her duty is to interview the victim to verify and confirm the information that the victim gave during the reporting phase of a rape case at CSC and, if necessary, retake the victim statement to reveal and highlight the omitted information, which is imperative for the investigation;
- More than half of the participants answered that their duty is to ensure that the victim is calm and relaxed because they believe that the calmer the victim, the more information he/she gives; they mentioned that their duty is to see to it that victim statement contains evidence which will enhance successful investigation, by asking the victim not to hide anything, ask the victim to give every detail of what happened, when, how, which and why? and
- Less than half of the participants said that their duties are to investigate cases and conduct awareness campaigns to prevent the commission of FCS-related cases, e.g. rape.

When understanding the duties of FCS members, they are to ensure effective investigation, which includes taking statements, interviewing witnesses, arresting suspects and presenting evidence at court (Sample B: Part 1:2019).

Based on the literature review as per N/I 3/2008 and SORMAA and the participants' responses during interviews, the researcher reached an understanding that the FCS members may not fully understand the scope of their duties when obtaining the victim statement of a rape case. Their understanding or view is that their duty is to interview the victim and continue with the investigation. Even though there are prescribed duties as listed in N/I 3/2008 and SORMAA in their years of experience, they failed to explain the soft skills surrounding the actual investigation of the crime, leaving the human side out of the equation. While their focus must be on arresting the criminals, they must be reminded to not lose sight of the fact that they are working with people who need to be handled with care, professionalism and compassion.

3.5.1 TRAINING OF FCS MEMBERS

According to N/I 2/2019 background, the FCS unit was established as far back as 1986. It was referred to as Child Protection Unit (CPU), and it was a brainchild of that time's social workers and police officials who had concerns about the crimes against women and children. It was then decided that specialised units must be established with members of the SAPS who will undergo specialised training over a period of three weeks, but after so many changes which were made due to time changes, the training of FCS investigators is conducted over a period of the five-week course.

3.5.1.1 Specific requirements for appointment as an FCS member in the SAPS

The following are the requirements for General Investigators in the SAPS, they generally apply to all the SAPS investigators, regardless of their components or units, and they also apply to FCS investigators as well. These requirements are available on the website of the South African Police Service:

- The Police member must be employed in terms of the Police Act of 1995;
- Must have at least two years of functional experience in the SAPS;
- Must have successfully completed a Basic Detective Course;
- Must be willing to undergo polygraph and psychometric testing and security clearance vetting whenever required;
- He/she must be computer literate and have a valid driver's licence;
- His/her name must NOT appear in the Sexual Offender's Register;

- Must not have a criminal record against his/her name; and
- Must have at least Grade 12 or equivalent level of education.

During the interviews, only Sample B participants were asked, are there specific requirements before being appointed as an FCS member in the SAPS? Elaborate. Their response was recorded as follows:

Sample B: FCS members

- All the participants answered yes, one must be employed under the Police Act of 1995 and must have undergone a DLP;
- More than half of the participants answered yes and mentioned that the said person's name must not appear in the National Register for Sex Offenders, which is the register containing all names of people who were found guilty and convicted for sexual crimes against children and mentally challenged people;
- More than half of the participants also answered yes and added that the person must have no criminal or pending criminal cases against him or her. He or she must have a valid driving license; and
- Two-fifths of the participants answered yes, the person must have passed Grade 12 or the then Standard 10 before joining the FCS Unit.

Informed by the consulted literature, the researcher observed that though the participants are already FCS members, they could not unanimously answer the requirements for one to be appointed as an FCS member, only two requirements they all mentioned commonly.

Below is the training of the FCS investigators, according to SAPS Training (2019:4), the training of the FCS investigators is covering the following aspects/modules:

- Roles and responsibility of the FCS;
- International and National Obligations;
- Social context;
- Interviewing of offenders;
- Multi-disciplinary role players;

- General aspects of the investigation of FCS-related crimes;
- Investigation of sexual offences;
- Investigation of person-directed crimes;
- Investigation of illegal removal of persons;
- Investigation of electronic media facilitated crimes; and
- Court proceedings.

When interviewed, the FCS participants were asked what training have you undergone to investigate FCS cases, specifically stranger rape cases? The following responses were recorded:

Sample B: FCS investigators

- Almost all of the participants answered that they had undergone the Detective Learning Programme (DLP), successfully completed the Sexual Offences course, also undergone the five weeks FCS course, and they all confirmed that they are well equipped, they have investigated stranger rape cases to such an extent one mentioned that she had secured a conviction of 15 years in a stranger rape case; and
- One participant answered that he had equipped himself by undergoing an FCS course, Victim empowerment workshop, Detective course and Domestic Violence; he elaborated that he has investigated rape, specifically, stranger rape with arrests, the suspects were unknown, but due to his thorough investigation skills he obtained from the training, the unknown suspects were arrested and some through DNA linkages.

When understanding training of the FCS investigators, it is said that they all investigated stranger rape where suspects were unknown but ended up being arrested through their investigation skills which were acquired during training (Sample B: Part 1:2019).

It is clear from the feedback that the participants are all familiar with the type of training which can effectively skill them for their job. It is unfortunate that only one person has skilled himself further and this has proven effective in the cases investigated.

This concludes the discussion of the literature when compared to the empirical data gathered for chapter 3. The summary of the chapter will now be presented.

3.6 SUMMARY

It is the obligation of the SAPS to see to it that sexual offences are registered and investigated thoroughly, to trace the perpetrators and to pursue the matter until the suspects are proven guilty (or not) by a court of law. There are basic rules, regulations and instructions to be followed and adhered to by all the components or role players in the SAPS to achieve this. This chapter discussed what is expected to be well-known cornerstones or points of departure in assisting and attending to victims of rape by Motherwell SAPS members at the CSC and investigators at Motherwell FCS Unit. In this chapter, the participants from both samples, their level of knowledge and understanding of the basic rules, regulations, guidelines, and N/I regarding the reporting phase of rape cases at the CSC and an investigator's role during this phase were investigated and discussed.

Based on the information gathered from the literature and the participants through interviews, the researcher has concluded that in stranger rape, the suspect is unknown to the victim. To effectively investigate such a case, one needs to source crucial information for which one needs proper training, experience, dedication, courtesy and caution. The same victim you need information from is the same victim who is looking for your protection, who is counting on you as a police officer to get the unknown suspect. Therefore, it starts with the victim care during the reporting phase of rape at the CSC, where the necessary care should be given to the victim, explaining, exercising and informing the victim about their rights.

Obtaining a statement from a calm victim is a success to the police officer because the calmer the victim, the richer and more information you get. Guided by the

Constitution of South Africa, and more specific protocols such as Standing Orders, N/I and SORMAA, the Victims Charter and the Four-point rule, Ministerial Six Point Plan of (to name a few) with intensive training, the SAPS members have an obligation of asking the right question to get right answers that would lead to the identification and arrest of the unknown suspect who will end up before the court of law as admissible evidence which will secure best convictions. This chapter dealt with the VISPOL and FCS members' training and duties to equip them for this immensely important and sensitive task. The results show that their knowledge pertaining to these protocols is lacking, which may hamper them in delivering service, which is professional, caring, sensitive and comprehensive.

This concludes the discussion and feedback on the gathering of empirical data for this research. In the next chapter, the researcher will discuss the implications of these results at the primary research aims, objectives, and research question in chapter 1.

CHAPTER 4: FINDINGS, RECOMMENDATIONS AND CONCLUSION

4.1 INTRODUCTION

This research aimed to explore the important aspects to capture in the victim statement of stranger rape. This was informed by the Motherwell FCS Unit investigators' complaints that the statements taken from the victims of stranger rape specifically do not entail much information for the investigators to continue with the investigation immediately. At times, the investigators battle to get the victims for further investigation because their address details were not correctly recorded by the VISPOL member who obtained the victim statement during the reporting phase of a stranger rape case at CSC.

In order to address the rationale of this research, a central research question was asked:

What are the most important aspects to capture in the statement of a victim of stranger rape case?

In addition to this, the research had aims and objectives. The central aim of this study was to explore the most important aspects to capture in the statement from the victim of stranger rape. In order to achieve this, the following research objectives were set:

- Explore what the crime elements are that must be captured in the statement of the victim of a stranger rape case;
- Explain what the additional elements are that must be captured and unpacked specifically in the statement of the victim of a stranger rape case. The additional elements are those elements that will assist the investigator in narrowing down the search for and possibly identify and arrest the suspect; and
- The researcher intends to use the outcome or findings of the research to inform, empower and enhance the skills of the VISPOL members and

investigators at Motherwell FCS Unit on the importance of a rape victim's statement in the investigation of stranger rape.

The researcher collected the data through literature review locally and internationally, semi-structured interviews, data analysis and the researcher reached a deduction based on findings that emerged from the collected data. In this chapter, the researcher discussed the findings, recommendations and conclusion of this research.

4.2 FINDINGS

In an attempt to address the research question, the researcher paid attention to primary and secondary findings:

4.2.1 *PRIMARY FINDINGS*

Primary findings revealed as follows:

- Elements of crime - rape and stranger rape

Based on the gathered data, it was revealed that elements of rape are: Unlawfulness, intention, without consent and penetration - regardless of the extent of penetration to the victim and the only difference between the elements of rape and stranger rape is that for a stranger rape, the perpetrator must be unknown to the victim, he or she must be a stranger to the victim hence it is referred to as stranger rape.

It was established that almost all the participants from both samples mentioned force as an element of rape of which it is not. Force is a method used by the perpetrator to threaten, disarm or coerce the victim before and during the incident of rape. Therefore, it is imperative for the VISPOL members who are working at CSC not to confuse force as an element of rape because should it not be mentioned by the victim, it is highly possible that the member who is obtaining the statement to conclude that there was no rape because the victim did not mention force. By this mistake, it is possible that the VISPOL members may inadvertently prejudice the investigator against the case of the victim: and the perpetrator may not even be prosecuted.

It was also revealed from the data collected that Sample A, collectively, have an idea of what the elements of rape are, but not all of them were able to mention all of the elements of a rape case/stranger rape; for instance, only three-quarters of participants mentioned intention as an element of rape and only a half of the participants mentioned sexual penetration as an element of rape. Even with Sample B, only two-fifths of the participants mentioned intention as an element of rape/stranger rape. This is problematic in relation to the capturing of a comprehensive statement because if both participants are not totally familiar with all the elements of rape, how will they take a statement that captures all of the elements comprehensively, and how would they prove beyond a reasonable doubt that a rape crime has been committed before the court of law.

- The Statement

It was clear from the feedback that all the participants know what a statement is. It was emphasised that a statement should be as accurate as possible of what a witness has said, and the purpose of the statement is to certify and preserve the information gathered during an investigation from the witnesses, suspects and complainants/victims. It was also said that it is through an effectively taken statement that the state presents its case before the court of law, and a statement should entail three parts, a preamble, contents and the ending of the statement:

The preamble

It was revealed that a statement starts with a preamble that contains the details of the person who is giving a statement in-depth, and this person is referred to as a 'deponent'. The deponent provides the following information, full names, detailed address and contact details. The collected data unveiled that the preamble aims to pinpoint the deponent and ensure that he/she can be located later for further investigation.

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The literature revealed that this is where the story of the deponent is told. A full and detailed report must be logged and arranged in a sequence of the incidents and logical order of every incident constituting the event. It is said that this is the most crucial

information, which is required for the investigation and later will be used as evidence before the court of law. The information in these paragraphs are of great importance, and they contain enormous evidential value; therefore, great precaution must be taken while capturing this part of the statement.

Certificate by Commissioner of Oaths

Consulted literature and collected data revealed that the person giving the statement must be present when the commissioner of oaths certifies the statement. Failure to do this may result that the deponent will deny in court that he or she took the oath or swore the oath, thereby nullifying this statement.

The results found that both samples' participants are well conversant of what a statement is and their responses corresponded with the consulted literature.

- Important aspects to capture in the victim statement of stranger rape
- The findings pertaining to this aspect showed that the full names of the victim, date of birth and ID number of the victim (to determine his/her age), nationality of the victim (in case of Foreign Nationals), full address with detailed contact details of the victim, occupation and detailed work address if the victim is working are the most important aspects to capture in the victim statement of stranger rape, These aspects will aid in tracing the victim and to know more about the victim for investigation purposes.

It was also discovered that it is imperative that the date, time and place of incident (this will aid to locate any possible physical evidence), the weather, the visibility (was it clear, foggy, raining) must also be mentioned. The visibility aspect will aid in identifying the perpetrator; for instance, was it possible to see the perpetrator's identity. Furthermore, the statement must contain a detailed description of the perpetrator (the race of the perpetrator if known, gender, height, estimated age, complexion, hair colour, body built, shape of the face, shape of the head, colour of the eyes, facial and body visible marks or tattoos, beard, moustache, voice, habits, language) and any other visible identification features which will help to identify the perpetrator. It was also found that the victim must indicate or mention in his or her statement whether there were witnesses who either saw the incident before, during and after or the

witness whom they first told immediately after the incident and that person would be referred to as a first report. The latter's statement is also crucial in the investigation of rape, even if she or he did not see the incident, the mere fact that they were the first person to be told about the incident makes them crucial witnesses. Therefore, the full name and contact details of such a person must also be in the victim's statement.

All the above-listed aspects will enhance investigation and help identify and track the unknown stranger rape suspect. The VISPOL members working at CSC have to see that this information is not overlooked or omitted in the victim statement of rape/stranger rape.

The data showed that the participants in Sample A are not very familiar with those vital elements to be captured in the statement of a stranger rape victim. This aspect often results in the statements having to be retaken, resulting in the victim going through the same horror for a second time causing secondary traumatisation. This aspect has caused some controversy which resulted in the delay or incompleteness of investigation of stranger rapes at Motherwell FCS Unit because the investigators at the FCS Unit claim that many times they face challenges in tracing the victim due to the incorrect or inaccurate capturing of the victim contact details during the reporting phase of stranger rape at CSC.

- Statement taking and deficiencies identified

The study showed that Sample A participants had taken a minimum of 10 stranger rape statements in their careers. Based on the gathered data, it was identified that only a quarter of the Sample A participants received any form of feedback from the FCS investigators about the effectiveness of their statements obtained from the victims of stranger rape at Motherwell. The majority was not aware or were never informed whether the victim statements they captured were effective or not. Moreover, it was established that they were all interested in knowing about the effectiveness of the statements they obtained from the victims of stranger rape and whether they were indeed of evidential value to the investigation or stranger rape and if there are specific areas where they could improve.

When asked about receiving any complaints experienced relating to stranger rape victim statements, half of Sample A participants revealed that they indeed received the complaints that their statements were said to be too short, and their defence was that the victims of rape were too emotional during the reporting phase at CSC; therefore, they could not ask much as the VISPOL members who are working at CSC. A quarter of Sample A participants revealed that the complaint they received was about the omission or unclear address and contact details of the victim, and their defence was that they believe that if the victim does not know the suspect, there is no need for a long-detailed statement more especially in cases where the victim was drunk or intoxicated, they believe that such a stranger rape case will not go any further. One participant of Sample A mentioned that the investigators should be the ones who obtain the victim statement of stranger rape cases and that he has never been trained to obtain a statement of stranger rape.

Grounded by the data collected, it was revealed that on the other hand, FCS members, regardless of the discrepancies found in the stranger rape victim statement from CSC, make use of other means other than re-taking the victim statement to build their stranger rape cases by using medical evidence such as crime kit, fingerprints, clothing from the victim which might carry the perpetrator's DNA for instance blood or hair from the perpetrator even though such takes a longer period than expected. According to the data collected, it showed that some of the investigators managed to achieve convictions in some stranger rape cases.

- SAPS guidelines for statement taking

According to the collected data, SAPS has tabulated or provided a set of guidelines to regulate statement taking. These guidelines are encompassed amongst other documents in N/I 3/2008, SORMAA, Ministerial Six Point Plan and Four-Point Rule.

- Victim assistance at the CSC

The collected data has unveiled that there are guidelines set to regulate the victim assistance at CSC, but due to the scope of this research, the researcher found the four guidelines as most relevant, that is SORMAA Framework, SAPS N/I 3/2008, Ministerial Six Point Plan and Four-Point Rule for professional victim assistance at CSC. It was established that neither of the research samples had any idea of what is entailed in these guidelines mentioned above. This was reflected by a checklist in Table 3.2, where all four documents were integrated as a checklist to measure the number of participants according to their understanding of the said documents.

Very few participants were able to mention what is in these documents. This is of grave concern. Sample A is the “face of the SAPS”. This is where every crime is reported and registered. If the members who are working at CSC are not well conversant about the guidelines that regulate the victim assistance, how they are going to assist the victims of crime. How are they going to get information, which could help in the investigation of such crimes? The same applies to Sample B, who are investigators, and they need information from the victims to carry out their investigation if they are not aware of how to handle such victims or the documentation that regulates the assistance of victims.

- Rights of the victim

Based on the gathered data, it was discovered that participants in Sample A, to be specific, are not familiar with the victim’s rights as stipulated in the Service Charter for Victims of Crime. This is revealed in Table 3.3 of this research.

- Duties of VISPOL members at the CSC

The collected data revealed that in Sample A, even though the participants have an idea of what their duties at the CSC are, their understanding is different, and they could not give a standardised response even though their duties are the same.

- Training of VISPOL members at the CSC

It was discovered that police officials are trained in a wide spectrum of skills and should be able to deal with most crime situations they face, at least at the initial phase. All the participants confirmed that they underwent BPDLP training, and they were aware of what a member should have or be equipped with before he/she be appointed to work at the CSC.

- The role of the investigating officer

The gathered data unveiled even though the role of the investigating officer is deemed as vital in the investigation of crime such as rape and stranger rape, the participants from both samples are not well conversant or familiar with what the role of the investigating officer entails; this was captured in Table 3.4 of this research. It was discovered that they solely believe that the role of the investigation officer is to arrest, collect evidence for court proceedings of which is not only what is stipulated in the N/I 3/2008.

- Duties of FCS members

According to the gathered data, it was discovered that the FCS Unit is being mandated by N/I 2/2019 to perform certain duties as well as in N/I 3/2008 and SORMAA. During interviews, it was unveiled that even though the Sample B participants were entrusted with investigator's duties, they were not clear about their duties when obtaining the victim statement of stranger rape or rape case rather. Their response showed they only believe that their duty is to interview the victim and continue with the investigation contrary to N/I 3/2008, SORMAA and N/I 2/2019.

- Training of FCS members

The collected data revealed that to be appointed as an FCS member, one has to be employed under the Police Act of 1995, be in possession of Grade 12 or equivalent

qualification, be in possession of a valid driving license, must have undergone DLP and must undergo a five weeks FCS course. It was also emphasised that the said person's name must not appear in the National Register for Sex Offenders and must not have criminal cases pending against him or her, more especially sexually offences related and child involving cases. Collectively the FCS participants were able to answer this question.

4.2.2 *SECONDARY FINDINGS*

During the process of the research, the researcher discovered other relevant findings, which happened to be the secondary findings in this research. Below are the said findings:

- **Criminal investigation**

Findings based on the literature review and interviews unveiled that criminal investigation in simpler terms means "finding out the truth". In both samples, the participants were well conversant about what criminal investigation is. Their understanding and views correspond to the consulted literature.

- **Objectives of criminal investigation**

It has been discovered through consulted literature and interviews that a criminal investigation's objectives are to determine whether a crime has been committed, trace and identify the perpetrator, and bring the perpetrator before a court of law together with supporting evidence, which later will secure a good conviction. The majority of participants from both samples concurred with the consulted literature views; only a quarter of participants from Sample A who during the interviews indicated that they do not know or understand what objectives of criminal investigation are. This can have a bad impact on the quality of the victim statement taken by such VISPOL members who are working at the CSC because they are at the reporting phase, they are supposed to gather or retrieve information that is enough to achieve the objectives of the investigation, therefore if they are not familiar with these objectives, that which they do in relation to the initial handling of the complaint will not address the objectives.

- Forensic investigation

The findings unveiled that forensic investigation is a process that uses science and technology to examine theories that could be exercised in the court of law to decide issues regarding transpired events. It was also established from the consulted literature that there is no actual distinction between forensic investigation and criminal investigation; they are both based on approaches that inform court proceedings. The majority of Sample A associated Forensic investigation with FSL, stating that it has something to do with the application of science to solve crime. Few participants in the same Sample A indicated that they have no idea as to what forensic investigation is. All participants in Sample B shared the same point of view with the consulted literature; their response when they were asked what their understanding of forensic investigation it was in line with the literature.

- Crime scene

The gathered data revealed that a crime scene is a place or the location where the alleged offence took place at and it was established that there are three crime scenes in the investigation of rape where the investigators should focus on in an endeavour to get physical evidence/exhibits, that is the location itself, meaning the house, the car, an open field, bushes, riverside, the list is endless. The second crime scene is the body of the victim because in the body of the victim there can be evidence found, for instance, semen, saliva, blood or foreign human hair which might belong to the suspect, human flesh under the hand nails which may have been scratched during the struggle of rape incident. The third crime scene is said to be the body of the suspect where there might be visible scratch marks to prove a struggle during the rape, blood-stained clothing which might have traces of the victim's blood, pubic hair of the victim found in the suspect's pubic hair which will prove close contact with the victim. Both samples were well conversant with what a crime scene is; their responses showed that they understand the crime scene exactly the same way as it is described in the literature.

4.3 RECOMMENDATIONS

The research aimed to explore the most important aspects to capture in the victim statement of stranger rape. Below are the recommendations which have transpired from the findings, and they are an attempt to address the research rationale and research question of this study.

- The Relief Commanders or CSC Commanders should exercise constant and proper supervision at the CSC to see that victims of rape are getting professional assistance at the CSC. The victims must be treated equally, with dignity, and not be sent from pillar to post. They must not be exposed to secondary traumatisation unnecessarily. They are to be provided with all the necessary information and assistance they deserve as victims of rape;
- Proper and comprehensive statements are to be obtained at the CSC during the reporting phase of a rape case. All the elements of rape are to be captured in the statement before the case docket is registered. This will ensure that the correct charges are captured on the system. This will also ensure that the FCS member has a greater chance of tracking down the correct suspect and enhance the chances of a successful prosecution;
- All the VISPOL members working at the CSC should be exposed to or be given access to all the documentation that regulates the statement taking procedures and regulations. There should be refresher courses offered by FCS members based on commonly appearing mistakes. This will ensure that these two groups work more in synergy;
- It is recommended that the CSC Commanders should take a stand to equip or empower their VISPOL members who are working at the CSC to be on par with each and every SO and Legislation with amendments by holding Station Lectures, displaying in the CSC the updated regulations, for instance, the Ministerial Six Point Plan, the SORMAA, the Four-Point Rule, the N/I 3/2008 these are the most recent drivers which inform statement taking from victims of rape to be precise;
- Training on Sexual Offences related matters, Refresher's courses, in-service training and workshops should be conducted often to keep the VISPOL

members updated more especially the old members with long service in the SAPS for them to catch up with ongoing changes and amendments of the procedures and regulations of the SAPS; and

- There should be sessions or slots created to build a sound relationship between the VISPOL members and FCS investigators whereby the FCS investigators will give feedback, shortcomings and commendations on rape victim statement taking, create awareness and enhance improvement in their statement taking skills at CSC.

4.4 CONCLUSION

Investigation of stranger rape is not an easy task. It needs more focused and dedicated SAPS members, whether they form part of the VISPOL members or FCS investigators. These two groups need to join hands, share ideas and expertise to get first-hand information that will help identify and prosecute the perpetrator. In order to achieve that objective, the process should start at the CSC during the reporting phase, the manner in which the rape victims are treated and handled will play a huge role in getting rich information. The more relaxed and comfortable the rape victim is, the more likely they are to talk about the incident in greater detail. The better informed the VISPOL members are about the guidelines to taking the statement of a rape victim, the more likely they are to ask the right questions, which will provide the information that may lead to the arrest of the perpetrator. The VISPOL members are the face of the SAPS; they should equip and empower themselves as much as they can to gather the most important information that will enhance the investigation of reported crime for the purpose of the study, stranger rape crime. In so doing, the unnecessary delays and loss of stranger rape cases will be limited or decreased.

LIST OF REFERENCES

- Bruce, D. & Moran, G. 2006. *Witnesses and Victims: A Guide for Police on Good Practice*. Braamfontein: CSVN.
- Carrier, B.D. & Spafford, E.H. 2004. *An Event-Based Digital Forensic Investigation Framework*. West Lafayette: CERIAS.
- Corbin, J. & Strauss, A. 2015. *Basics of Qualitative Research Techniques and Procedures for Developing Grounded Theory*. 4th edition. Los Angeles: SAGE.
- Creswell, J.W. 2008. *Educational Research: Planning, Conducting and Evaluating Quantitative and Qualitative Research*. 3rd edition. Upper Saddle River: Prentice Hall.
- Creswell, J.W. 2009. *Research Design, Qualitative, Quantitative, and Mixed Methods Approaches*. California: SAGE.
- Creswell, J.W. 2014. *Research Design, Qualitative, Quantitative, & Mixed Methods Approaches*. 4th edition. California: SAGE.
- Creswell, J.W. & Creswell, J.D. 2018. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. 5th edition. California: SAGE
- De Vos, A.S., Strydom, H., Fouche, C.B. & Delport, C.S.L. 2005. *Research at Grass Roots*. Pretoria: Van Schaik.
- Denscombe, M. 2007. *The Good Research Guide: For small-scale social research projects*: 3rd edition. England: Open University Press.
- Denscombe, M. 2010. *Ground Rules for Social Research Guidelines for Good Practice*. 2nd edition. New York: Open University Press.
- Denscombe, M. 2014. *The Good Research Guide: For small-scale social research projects*. 5th edition. Maidenhead: Open University Press.
- Denzin, N.K. & Lincoln, Y.S. 2011. *The SAGE Handbook of Qualitative Research*. 4th edition. Thousand Oaks: SAGE.
- Dutelle, A.W. & Becker, R.F. 2019. *Criminal Investigation*. 5th edition. Burlington: Jones & Bartlett Learning.
- Gibson, W.J. & Brown, A. 2009. *Working with Qualitative Data*. London: SAGE.
- Gilbert, J.N. 2010. *Criminal Investigation*. 8th edition. New Jersey: Pearson Education.

- Gray, D.E. 2011. *Doing Research in the Real World*. 2nd edition. London: SAGE.
- Hennik, M., Hutter, I. & Bailey, A. 2011. *Qualitative Research Methods*. California: SAGE.
- Henning, E., Van Rensburg, W. & Smit, B. 2005. *Finding your way in qualitative research*. Pretoria: Van Schaik.
- Humbulani, V. 2016. *The Value of First Report Statement in the Investigation of Rape*. Unpublished M Tech dissertation, Pretoria: University of South Africa.
- Kumar, R. 2011. *Research Methodology, a step-by-step guide for beginners*. 3rd edition. California: SAGE.
- Kumar, R. 2012. *Research Methodology, a step-by-step guide for beginners*. California: SAGE.
- Kumar, R. 2014. *Research Methodology, a step-by-step guide for beginners*. 4th edition. Los Angeles: SAGE.
- Lambrechts, D.S. 2001. *Handbook for Diamond, Gold and Related Cases*. Bellville: SAPS.
- Leedy, P.D. & Ormrod, J.E. 2010. *Practical Research, Planning and Design*. New Jersey: Pearson Education.
- Leedy, P.D. & Ormrod, J.E. 2013. *Practical Research, Planning and Design*. New Jersey: Pearson Education.
- Lester, N.J., Cho, Y. & Lochmiller, C.R. Learning to Do Qualitative Data Analysis: A Starting Point. *Human Resources Development Review*, 19(1): 94-101.
- Lochner, H. 2014. *Taking effective witness statements*. Claremont: Juta.
- Lyman, M.D. 2013. *Criminal Investigation*. Canada: Pearson Education.
- Marais, C.W. & Van Rooyen, H. 1990. *Crime Investigation*. Pretoria: Promedia.
- Masango, K. I. 2015. Interviewing Child Victims: Improve Communication and understand Child Behaviour. Unpublished M Tech dissertation. Pretoria: University of South Africa.
- Maxfield, M.G. & Babbie, E. R. 2012. *Basics of Research Methods for Criminal Justice and Criminology*. 3rd edition. Wadsworth: Cengage Learning.
- Miles, M.B., Huberman, A.M. & Saldana, J. 2014. *Qualitative data analysis. A Methods Sourcebook*. 3rd edition. Thousand Oaks: SAGE
- Monckton-Smith, J., Adams, T., Hart, A.G. & Webb, J. 2013. *Introducing Forensic and Criminal Investigation*. London: SAGE.

- Nieuwenhuys, J. 2016. Analysing qualitative data (Pp. 104-131). In K. Maree (Ed.). *First steps in research*. 2nd edition. Pretoria: van Schaik.
- Nthate, P. 2017. Mbalula's Six-Point Plan: Much talk but little action as cops on the ground clueless about it. Available at: <https://www.dailymaverick.co.za/article/2017-09-15-mbalulas-six-point-plan-much-talk-but-little-action-as-cops-on-the-ground-clueless-about-plan/> (accessed on 10 February 2021).
- Orthmann, C.H. & Hess, K.M. 2013. *Criminal Investigation*. 10th edition. New York: Cengage Learning.
- Osterburg, J.W. & Ward, R.H. 2010. *Criminal Investigation: A Method for Reconstructing the Past*. 6th edition. New Jersey: LexisNexis Group.
- Palmiotto, J.M. 2013. *Criminal Investigation*. 4th edition. Boca Raton: CRC Press.
- Police: criminal investigation. 2020. Available at: <https://law.jrank.org/pages/1654/Police-Criminal-Investigations-Criminal-investigation-defined.html> (accessed on 16 March 2020).
- Prins, G.A. 2009. *Maintaining the Chain of Evidence: a South African Case Study of blood samples in the case Driving Liquor*. Unpublished M Tech dissertation. Pretoria: University of South Africa.
- Punch, K.F. 2006. *Developing Effective Research Proposals*. 2nd edition. London: SAGE.
- Savin-Baden, M. & Major, C.H. 2013. *Qualitative Research. The essential guide to theory and practise*. New York: Routledge
- Sennewald, C.A. & Tsukayama, J.K. 2006. *The process of Investigation*. 3rd edition. Oxford: Elsevier.
- SORMMA. 2007. *Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007*. Pretoria: Government Printers.
- South Africa. 1996. *The Constitution of the Republic of South Africa, Act 108 of 1996*. Available at: <https://www.gov.za/sites/default/files/images/a108-96.pdf> (accessed on: 20 January 2021).
- South Africa. 2021. *Service Charter for Victims of Crime*. Available at: https://www.gov.za/sites/default/files/gcis_document/201409/servchartcrimevictimssa-071.pdf (accessed on: 21 January 2021).

- South African Police Service. 1992. Standing Order (G) 327. *Attestation of Statements*. South African Police Service. (Internal circular: Document is in the possession of the researcher).
- South African Police Service. 1995. Standing Order (G) 322: *Information of Crime [SAP 4]*. South African Police Service. (Internal circular: Document is in the possession of the researcher).
- South African Police Service. 2008. National Instruction 3 of 2008: *Sexual Offences*. (Internal circular: Document is in the possession of the researcher).
- South African Police Service. 2010a. *National Certificate in Policing Learning Area 4: Crime Investigation Learner's Guide*. Pretoria: SAPS
- South African Police Service. 2010b. *National Certificate in Policing Learning Area 3: Community Service Centre Learner's Guide*. Pretoria: SAPS
- South African Police Service. 2011. Standing Order (G) 256. *Duties of the Commanders on a Relief and the Investigation of Charges*. South African Police Service. (Internal circular: Document is in the possession of the researcher).
- South African Police Service. 2012. *Crime Definitions*. Pretoria: SAPS
- South African Police Service. 2016a. *Four Point Rule: Learning Guide*. Pretoria: SAPS
- South African Police Service. 2016b. *Related Material in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007*. Cape Town: Juta
- South African Police Service. 2017. *Media statement: Police stations to prioritize Gender-based violence cases*. Available at:
<https://www.saps.gov.za/newsroom/selnewsdetails.php?nid=12286>
 (accessed on: 21 January 2021).
- South African Police Service. 2019a. *Crime situation in Republic of South Africa twelve (12) months (APRIL TO MARCH 2018_19)*. Available at:
https://www.saps.gov.za/services/april_to_march2018_19_presentation.pdf
 (accessed on: 20 January 2021).
- South African Police Service. 2019b. *National Instruction 2/2019. Family Violence, Child Protection and Sexual Offences (FCS) Investigations*. South African

- Police Service. (Internal circular: Document is in possession of the researcher).
- Stelfox, P. 2013. *Criminal Investigation: An Introduction to Principles and Practice*. Devon: Willan Publishing.
- S. M. Sajjad Kabir. 2016. Methods of data collection. Available at: https://www.researchgate.net/publication/325846997_METHODS_OF_DATA_COLLECTION (accessed on: 23 July 2021).
- Thomas, D.R. & Hodges, I.D. 2010. *Designing and Managing Your Research Project: Core Skills for Social and Health Research*. Los Angeles: SAGE
- Tracy, S.J. 2013. *Qualitative Research Methods*. West Sussex: Wiley-Blackwell
- UNISA. 2016. *Policy on Research Ethics*. Pretoria: University of South Africa.
- Van Der Merwe, C.J. 2008. *Processing of Information for Prosecution Purposes*. Unpublished M Tech dissertation. Pretoria: University of South Africa.
- Van Der Merwe, E. 2010. *The Value of the Victim's Statement in the Investigation of Rape*. Unpublished M Tech dissertation. Pretoria: University of South Africa.
- Van der Watt, M. 2011. *The Value of Docket Analysis in the Stranger Rape Investigations: A Case Study in Port Elizabeth*. Unpublished M Tech dissertation. Pretoria: University of South Africa.
- Van der Watt, M. 2015. The preliminary investigation phase (Pp. 160 - 208). In R, Zinn & S, Dintwe (Eds.). *Forensic Investigation: Legislative principles and investigative practice*. JUTA: Claremont.
- Van Niekerk, T., Lochner, H., Naidoo, Y. & Zinn, R. 2015. The further investigation phase (Pp. 209-248). In R, Zinn & S, Dintwe (Eds.). *Forensic Investigation: Legislative principles and investigative practice*. JUTA: Claremont.
- Van Rooyen, H.J.N. 2004. *Investigation: The A-Z guide for forensic and corporate investigators*. Pretoria: Henmar.
- Walliman, N. 2010. *Research Methods: The Basics*. New York: Routledge.
- Warton, G. 2017. *Safer Spaces: SAPS Annual crime statistics 2016/2017*. Available at: <https://www.saferspaces.org.za/resources/entry/saps-crime-statistics-2016-2017> (accessed on: 20 January 2021).
- Welman, C., Kruger, F. & Mitchell, B. 2005. *Research Methodology*. Cape Town: Oxford University Press.

ANNEXURE A: INTERVIEW SCHEDULES SAMPLE A (VISPOL)

INTERVIEW SCHEDULE: SAMPLE A: MOTHERWELL VISPOL MEMBERS

THE IMPORTANCE OF THE RAPE VICTIM STATEMENT IN THE INVESTIGATION OF STRANGER RAPE

The purpose of this interview is to explore which are the most important aspects to capture in the statement from the victim of stranger rape. Your contribution will be of significant value and will highly be appreciated. Your identification is not required, and all information will be treated in a confidential manner.

AIM OF THE RESEARCH

The aim of this research is to explore which are the most important aspects to capture in the statement from the victim of a stranger rape.

PURPOSE OF THE RESEARCH

Therefore, the purpose of this research is to explore the importance of a rape victim's statement in the investigation of stranger rape. In order to achieve this, the researcher will:

Explore what the crime elements are that must be captured in the statement of the victim of a stranger rape case.

Explain what the additional elements are that must be captured and unpacked specifically in the statement of the victim of a stranger rape case. The additional elements are those elements that will assist the investigator to narrow down the search for and possibly identify and arrest the suspect.

The researcher is intending to use the outcome or findings of the research to inform, empower and enhance the skills of the VISPOL members and investigators at

Motherwell FCS Unit on the importance of a rape victim's statement in the investigation of stranger rape.

RESEARCH QUESTION

The central question in this study is:

What are the most important aspects (other than the elements of the crime) that should be captured in the statement of a victim of stranger rape case?

You are kindly requested to answer the following questions in this interview schedule, for the researcher. The researcher is bound to her assurances and guarantees by the ethics code for research of the University of South Africa. The information you provide will be used in a research project for a Master of Criminal Justice degree registered with the Programme Group: Police Practice at the University of South Africa. The analysed and processed data will be published in a research dissertation.

Your answers will be noted by the interviewer herself, on paper. Should any question be unclear, please ask the researcher for clarification. There are no right or wrong answers: therefore, when answering the questions, it is very important to give your own opinion.

Written permission has been obtained from the South African Police Service in advance, to conduct these interviews.

I hereby give permission to be interviewed and that information supplied by me can be used in this research. I am aware that I may withdraw from this process at any time before and/or during the research.

YES / NO

SAMPLE A: MOTHERWELL VISPOL

THE IMPORTANCE OF THE RAPE VICTIM STATEMENT IN THE INVESTIGATION OF STRANGER RAPE

PARTICIPANT NR:

DATE:

Gender:

Rank:

Highest Tertiary Qualification:

Specialised training undergone and date of training:

SECTION A: BIOGRAPHIC INFORMATION

1. How long have you been a SAPS member?

5 years – less than 10 years

More than 10 years

2. What are your duties as CSC member?

3. Are there specific requirements before one can be appointed to work in the CSC? Elaborate.

4. What training have you undergone to equip you to handle complainants/victims of rape in the CSC? Please elaborate your answer.

5. Have you experienced complaints relating to rape, specifically stranger rape and you had to take the victims statement? Please elaborate.

6. How many stranger rape statements have you had to take in your career?

7. Are there procedures or instructions regulating the rape victim statement taking at CSC with regard to privacy and gender preference? Elaborate.

8. According to your career experience what are the important aspects to be captured in the victim statement of stranger rape?

9. Have you had feedback from the investigating officer about the effectiveness of the statement you took?

10. Would you like to know whether the statement you took was evidentially valuable?

11. Would you like to know from the investigating officer where you can improve on your statement taking skills?

SECTION B: THE IMPORTANCE OF THE VICTIM STATEMENT IN THE INVESTIGATION OF STRANGER RAPE

1. What criminal investigation is?
2. What do you understand about objectives of criminal investigation?
3. What forensic investigation is?
4. What do you understand about crime scene?
5. Define rape.
6. What is stranger rape?
7. What the elements of rape are?
8. Are there any guidelines in terms of what assistance can you render to the victims at CSC during the reporting phase of rape?
9. According to your career experience, what rights are the victims of rape entitled to when reporting rape cases at CSC?
10. What role does the investigating officer play in the investigation of stranger rape?
11. What is a statement?

ANNEXURE B: INTERVIEW SCHEDULE SAMPLE B (FCS UNIT)

INTERVIEW SCHEDULE: SAMPLE B: MOTHERWELL FCS UNIT THE IMPORTANCE OF THE RAPE VICTIM STATEMENT IN THE INVESTIGATION OF STRANGER RAPE

The purpose of this interview is to explore which are the most important aspects to capture in the statement from the victim of a stranger rape. Your contribution will be of significance value and will highly be appreciated. Your identification is not required and all information will be treated in a confidential manner.

AIM OF THE RESEARCH

The aim of this research is to explore which are the most important aspects to capture in the statement from the victim of a stranger rape.

PURPOSE OF THE RESEARCH

Therefore, the purpose of this research is to explore the importance of a rape victim's statement in the investigation of stranger rape. In order to achieve this, the researcher will:

Explore what the crime elements are that must be captured in the statement of the victim of a stranger rape case.

Explain what the additional elements are that must be captured and unpacked specifically in the statement of the victim of a stranger rape case. The additional elements are those elements that will assist the investigator to narrow down the search for and possibly identify and arrest the suspect.

The researcher is intending to use the outcome or findings of the research to inform, empower and enhance the skills of the VISPOL members and investigators at

Motherwell FCS Unit on the importance of a rape victim's statement in the investigation of stranger rape.

RESEARCH QUESTION

The central question in this study is:

What are the most important aspects (other than the elements of the crime) that should be captured in the statement of a victim of stranger rape case?

You are kindly requested to answer the following questions in this interview schedule, for the researcher. The researcher is bound to her assurances and guarantees by the ethics code for research of the University of South Africa. The information you provide will be used in a research project for a Master of Criminal Justice degree registered with the Programme Group: Police Practice at the University of South Africa. The analysed and processed data will be published in a research dissertation.

Your answers will be noted by the interviewer herself, on paper. Should any question be unclear, please ask the researcher for clarification. There are no right or wrong answers: therefore, when answering the questions, it is very important to give your own opinion.

I hereby give permission to be interviewed and that information supplied by me can be used in this research. I am aware that I may withdraw from this process at any time before and/or during the research.

YES / NO

SAMPLE B: MOTHERWELL FCS UNIT

PARTICIPANT NR:

DATE:

Gender:

Rank:

Highest Tertiary Qualification:

Specialised training undergone and date of training:

SECTION A: BIOGRAPHIC INFORMATION

1. How long have you been a SAPS member?
Less than 2 years
2 years – less than 5 years
5 years – less than 10 years
More than 10 years
2. How long have you been at FCS Unit?
Less than 2 years
2 years – less 5 years
5 years – less than 10 years
More than 10 years
3. What are your duties as FCS member when taking statements from rape victims?
4. Are there specific requirements before one can be appointed as an FCS detective in the SAPS? Elaborate.
5. What training have you undergone to investigate the FCS cases, specifically stranger rape cases? Please elaborate your answer.
6. How many stranger rape cases have you investigated and how well did these cases perform at court?
7. Please elaborate on reasons why you think that your cases did well?
8. Please elaborate on reasons why you think some of your cases did not achieve a successful prosecution.
9. How often do you have to retake statements after the CSC members has already taken the statement? What do you think might be the cause of this?

SECTION B: THE IMPORTANCE OF THE RAPE VICTIM STATEMENT IN THE INVESTIGATION OF STRANGER RAPE

1. What criminal investigation is?
2. What do you understand about objectives of criminal investigation?
3. What forensic investigation is?
4. What do you understand about crime scene?
5. Define rape.
6. What is stranger rape?
7. What the elements of rape are?
8. Are there any guidelines in terms of what assistance can you render to the victims at CSC during the reporting phase of rape?
9. According to your career experience, what rights are the victims of rape entitled to when reporting rape cases at CSC?
10. What role does the investigating officer play in the investigation of stranger rape?
11. What is a statement?

ANNEXURE C: ETHICAL CLEARANCE CERTIFICATE



UNISA CLAW ETHICS REVIEW COMMITTEE

Date 20180802

Reference: ST72 of 2018

Applicant: ZD Manqoyi

Dear Lt Col Manqoyi

**Decision: ETHICS APPROVAL
FROM 2 AUGUST 2018
TO 1 AUGUST 2021**

Researcher(s): Zingisa Dorothy Manqoyi

Supervisor (s): Dr BC Benson

The importance of the rape victim statement in the investigation of stranger rape

Qualification: MTech

Thank you for the application for research ethics clearance by the Unisa CLAW Ethics Review Committee for the above mentioned research. Ethics approval is granted for 3 years.

*The **low risk application** was reviewed by the CLAW Ethics Review Committee on 2 August 2018 in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment. The decision was ratified by the committee.*

The proposed research may now commence with the provisions that:

1. The researcher will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
2. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the CLAW Committee.
3. The researcher will conduct the study according to the methods and procedures set out in the approved application.
4. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of



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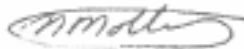
participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.

5. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
6. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data requires additional ethics clearance.
7. No field work activities may continue after the expiry date of 1 August 2021. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

Note:

The reference number ST72 of 2018 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.

Yours sincerely,



PROF N MOLLEMA

Chair of CLAW ERC

E-mail: mollena@unisa.ac.za

Tel: (012) 429-8384



PROF CI TSHOOSE

Executive Dean: CLAW

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ANNEXURE D: SAPS PERMISSION TO CONDUCT THE RESEARCH

South African Police Service



South African Police Service

RE: PERMISSION TO CONDUCT RESEARCH IN SAPS: THE IMPORTANCE OF THE RAPE VICTIM STATEMENT IN THE INVESTIGATION OF STRANGER RAPE: UNIVERSITY OF SOUTH AFRICA: MASTERS DEGREE: RESEARCHER: ZD MANQOYI

Kindly adhere to paragraph 6 of our attached letter signed on the 2018-08-28 with the same above reference number.


LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: RESEARCH
DR BM ZULU

DATE: 2018/10/02

The Office of the Provincial Commissioner: Eastern Cape has stressed the following condition:

- The researcher must share research findings with the Management at Provincial Commissioner: Eastern Cape before final report is published.

ANNEXURE E: SEXUAL OFFENCE STATEMENT CHECKLIST

Item	Details
1	Paragraph statements.
2	Do not prime the victim - it must be his or her own statement. (Never ask leading questions.)
3	Full names. (Maiden name, if applicable) - Age and date of birth - Identity number - Occupation - Residential and postal address -Telephone number and codes - Place of employment, if applicable - Cell phone number - Facsimile number
4	Detail of events leading up to the incident. (This will vary according to circumstances and there will be more information in some cases more than in others.)
5	Describe the scene of crime prior to the attack.
6	Fully describe the victim's clothing and the victim (this may assist forensic identification).
7	Describe the other victims (if more than one victim is involved).
8	Day and date. Specify the day of week.
9	Clarify time - how did the victim know that time it was?
10	Describe, if possible, any route taken by the victim prior to attack.
11	Witness - any known to victim, describe other witnesses and give their names (if possible), witness may link the victim to the suspect.
12	How the suspect approached the victim.
13	How the suspect maintained control over the victim.
14	If restraints were used, did the suspect bring them with him or her or did they belong to the victim?

15	Weapons, etc., used, displayed, mentioned.	
16	Exact words spoken by the suspect. Use direct speech.	
17	Exact words spoken by the victim to suspect. Use direct speech.	
18	If there is more than one suspect, briefly identify each one by some distinguished feature such as moustache, facial mark, and colour of shirt.	
19	Details of anything left at the scene by the suspect.	
20	Describe anything touched by the suspect.	
21	Did the suspect have an escape route prepared prior to the attack?	
22	Describe the victim's state of mind throughout the entire incident. What was the victim feeling or thinking in relation to each event as it occurred?	
23	Threats made by suspect - exact language.	
24	Was there any resistance by the victim? Include reasons for resisting or not resisting.	
25	If the victim resisted, explain the suspect's reaction (speech, facial expression, physical reaction).	
26	Did the suspect force the victim into any particular physical position?	
27	Did the suspect photograph the victim?	
28	Describe if and how clothing was removed and by whom, and in what order - where the clothing was placed or left.	
29	Was the victim made to dress in any specific items or clothing?	
30	Were these items brought to the scene by the suspect?	
31	Were any items of clothing stolen by the suspect?	
32	Did the suspect force the victim to use any specific words or sentences during the attack?	
33	Fully describe the sexual assault. Describe the acts. Was the victim given any options?	
	Consider: Touching	Where and by whom;

		Victim by suspect. Suspect by victim.
	Kissing	Suspect by victim. Victim by suspect.
	Use of instruments	Foreign objects used or placed in vagina, anus, etc.
	Digital penetration (Fingers)	In vagina or anus.
	Fetishism	Particular attraction/request for certain object (clothing/perfume/baby oil).
	Voyeurism	Watching a particular act (e.g. suspect watching victim masturbate).
	Cunnilingus	Mouth to vagina.
	Sexual sadism	Beatings, burning, whipping, biting, twisting breasts, asphyxiation (strangulation) until victim is unconscious, painful bondage (tied up).
	Annullingus	Licking anus.
	Urination	Urinating on victim.
	Defecation	Defecation of human waste mater (faeces) on victim.
	Bestiality	Forced to perpetrate sexual act with animal.

34	If sexual intercourse took place, exact description of how the victim felt (force, fear, fraud).
35	How penis entered vagina (or other orifices) <ul style="list-style-type: none"> - position of bodies - position of hands - position of legs
36	Was the suspect's penis erect?
37	Was any lubrication used?
38	Was the suspect circumcised?
39	Did the suspect have difficulty in achieving an erection or maintaining it or experience premature ejaculation?
40	Was the victim forced manually to masturbate the suspect to achieve or maintain his erection?
41	Did the suspect ejaculate? How did the victim know that the suspect had ejaculated?
42	Did the suspect use anything to wipe his penis after the offence?
43	Was anything done by the suspect to remove or stop semen being left behind, e.g. forcing the victim to wash, combing victims pubbing hairs, using a condom?
44	If tissues were used, what happened to them? Where did they come from?
45	If oral sex occurred, did the victim spit out the semen or vomit – if so, where?
46	Did the suspect tell or force him/her to take any drugs or medication or alcohol?
47	Was there any blood anywhere? Describe whether it was on the victim or the suspect or scene of crime.
48	If a number of sexual acts were carried out, describe the exact position in which they were committed and the speech used towards the victim, prior, during and after these acts.
49	Any specific threats made to victim to not report the offence. The exact words used must be given.

50	Any actions or words used to prevent that the victim recognise the suspect.
51	Did the suspect take steps to avoid leaving fingerprints?
52	Was any of the victim's property taken to assist the suspect in locating him or her again? Was this taken to stop the victim from reporting the incident? Was this specifically mentioned by the suspects?
53	Did the suspect suggest they meet again? Give specifics.
54	Was the suspect curious about the victim's life, family or previous relationships, sexual or otherwise?
55	Did the suspect pay any compliments to the victim?
56	Did the suspect make any excuses for what he had done or apologise for it?
57	Did the suspect make any mention of Police procedures?
58	How did the attack end?
59	How did the victim leave the scene?
60	How did the suspect leave the scene? Was it by foot, by car or bicycle?
61	Did the victim tell anyone and when did he or she do so?
62	A full description of the suspects(s) from head to toe.
63	Include a description of the suspect's clothing. It may be necessary to state what the suspect was not wearing, e.g. a jacket.
64	Did the suspect speak in a language known to the victim? Clarify.
65	Did the suspect have an accent? Clarify if possible.
66	Did the victim know the suspect? If the answer is affirmative, give details. Would the victim be able to recognise suspect again?
67	How was the incident reported to police?
68	Permission from victim for the examination of the scene or his/her property and for the removal of items for evidence and forensic examination.
69	Fully describe all property taken, including serial numbers, colours, sizes, identifying marks.

70	Get the victim to formally identify any property left by suspect at the scene.
71	Describe all the injuries inflicted on the victim.
72	Include the fact that victim did not consent, even if this is obvious.
73	Record the absence of consent for the removal of any of the victim's property by the suspect.
74	Is the victim willing to attend court?
75	Make sure that the victim reads the statement thoroughly and that it is signed in all the right places.
76	When was the last time the complainant had sexual intercourse? If within 72 hours before the incident, control blood samples are required from all the partners.
77	Victim's consent to forensic testing of articles seized for examination and that the articles may be damaged in the process of the forensic examination.

ANNEXURE F: TURN IT IN RECEIPT



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THE IMPORTANCE OF THE RAPE VICTIM STATEMENT IN THE
INVESTIGATION OF STRANGER RAPE

by

ZINESA DOROTHY MANQOYI

Submitted in part fulfillment of the requirements for the degree
of

MAGISTER TECHNOLOGIAE

in the subject

FORENSIC INVESTIGATION

at

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: PROF B BENSON

NOVEMBER 2020

ANNEXURE G : PERMISSION TO ACCESS NMU LIBRARY

UNISA



COLLEGE OF LAW
SCHOOL OF CRIMINAL JUSTICE
DEPARTMENT: POLICE PRACTICE

TO : THE HEAD LIBRARIAN
: NMU

FROM : DR BC BENSON
: SUPERVISOR

DATE : 2018-08-13

RE: CONFIRMATION OF STUDENTS REGISTRATION AND STUDIES

To whom it may concern.

This letter serves to inform you that Ms Z Manqoyi with student number 37278983 is a registered Masters student with the University of South Africa. The title of her study is: the importance of the rape victim statement in the investigation of stranger rape.

It will be appreciated if your institution will permit Ms Manqoyi to make use of your library facilities for the duration of her studies. It is envisaged that she will complete her studies by the end of 2019.

For any inquiries do not hesitate to contact this office at 0795282869.

Kind regards

Dr BC Benson
Supervisor

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