EXPLORING THE USE OF TACTICAL CRIME INTELLIGENCE TECHNIQUES IN CORRUPTION INVESTIGATIONS

by

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I declare that the above dissertation is my work and that all sources I have used or quoted have been indicated and acknowledged using complete references.

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I further declare that I have not previously submitted this work or part thereof for examination at UNISA for another qualification or at any other higher education institution.

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Firstly, I would like to thank our Lord Jesus Christ for providing me with the strength, energy and wisdom during this research project. Secondly, I want to acknowledge and thank the following people for the roles they have played in the completion of this project:

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DEDICATION

This dissertation is dedicated to my father Jan Jacobs and my late mother Bettie Jacobs, who taught me the principles of life.

CERTIFICATE BY EDITOR

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7620   7 November 2022

Dear Reginald Jacobs

This letter is to record that I, Naideen Foxcroft, completed a copy edit of your Master's Dissertation titled "Criminal Justice" by Reginald Jacobs.

This edit included the following:

- Spelling
- Tenses
- Vocabulary
- Punctuation
- Pronoun matches
- Word usage
- Sentence structure

This edit also excluded the following:

- Correctness or truth of information (unless obvious)
- Correctness/spelling of specific technical terms and words (unless obvious)
- Correctness of unfamiliar names and proper nouns (unless obvious)

Yours faithfully

Naideen Foxcroft

ABSTRACT

Corruption remains a phenomenon which bedevil the general society and as long as this evil is not addressed, government and affected businesses will keep on suffering financial losses. From a crime investigation perspective, an intelligence-led approach is one strategy available for investigators to combat corruption in the Department of Co-operative Government, Human Settlements and Traditional Affairs (COGHSTA). A qualitative research approach was adopted and semi-structured interviews were conducted with six investigators, as well as the Financial Intelligence Centre manager and one retired senior manager from the Department of State Security Agencies.

This study found that various tactical crime intelligence techniques exist which will contribute positively to corruption investigations. However, most of the techniques herein discussed are intrusive, therefore, legal advice ought to be source before the application thereof. Research further revealed that the investigators lack current knowledge on the concept of tactical crime intelligence. Therefore, training and further research in the field of crime intelligence is recommended for the Department of COGHSTA. This research will empower detectives on the concept of intelligence-led investigative techniques.

KEY CONCEPTS

Crime intelligence; Tactical crime intelligence; Criminal investigation; Corruption; Techniques.

LIST OF ABBREVIATIONS

AGSA	Auditor-General of South Africa
CCTV	Closed Circuit Televisions
COGHSTA	Co-operative Government, Human Settlements and Traditional Affairs
CPA	Criminal Procedure Act
DCS	Department of Correctional Services
DCOG	Department of Co-operative Governance
DPCI	Directorate of Priority Crimes Investigation
DPSA	Department of Public Service and Administration
FIC	Financial Intelligence Centre
FICA	Financial Intelligence Centre Act
HOD	Head of Department
HUMINT	Human Intelligence
ILP	Intelligence-Led Policing
IMINT	Imagery Intelligence
MASINT	Measurement and Signature Intelligence
MEC	Member of Executive Council
M-TECH	Magister of Technologiae
NPA	National Prosecuting Authority
OSISA	Open Society Initiative for Southern Africa
OSINT	Open Source Intelligence
PAIA	Promotion of Access to Information Act
PCCA	Prevention and Combating of Corruption Activities Act

PHD   Doctor of Philosophy

PP   Public Protector

PSC   Public Service Commission

RICPCRA   Regulation of Communication and Provision of Communication
            Related Act

RIPA   Regulation of Investigatory Powers Act

SAPS   South African Police Service

SARS   South African Revenue Service

SANDF   South African National Defence Force

SIGINT   Signals Intelligence

SIU   Special Investigation Unit

SSA   State Security Agencies

UNODC   United Nations Office on Drugs and Crime

UNISA   University of South Africa

UOFS   University of the Free State

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CHAPTER ONE
GENERAL ORIENTATION

1.1 INTRODUCTION

"The love of power, the pursuit of populism and the addiction to be approved by the powerful, was the surest receipt of corruption". These were the powerful words of Chief Judge Mogoeng during an international symposium on corruption (Manyathi-Jele, 2013). The Member of the Executive Council (MEC) for Local Government is the Political Head of the Department of Co-operative Governance (DCOG). It is the incumbent's obligation to ensure that all municipalities perform their basic responsibilities and function consistently. "In the past, investigations were the primary function of the South Africa Police Service (SAPS).

In South Africa today, there has been a dramatic shift towards businesses and governmental departments conducting internal crime investigation and specifically corruption incidents" (Van Rooyen, 2013:143). Budhram (2015:50) proposed intelligence-led policing (ILP) as a technique to address the ongoing challenges posed by corruption. This research focuses on the application of an intelligence-led approach to corruption investigations within the Northern Cape Department of Co-operative Governance, Human Settlement and Traditional Affairs (COGHSTA). The emphasis of this study was to explore the use of tactical crime intelligence techniques in corruption investigations, conducted by investigators in the DCOG.

1.2 RATIONALE OF RESEARCH

According to Vithal and Jansen (as quoted by Mashiloane, 2014:2), a research rationale serves as an answer to two questions, namely "the first relates to how a researcher developed an interest in a particular topic, and the second why a researcher believes the research is worth conducting". The SAPS reports corruption under the category of commercial crimes. It is evident from the SAPS Annual Report (SAPS, 2017) that there was an increase in commercial crimes committed in the Northern Cape (from 1037 in 2015/2016 to 1108 in 2016/2017), but it is not stated how many of these commercial crimes are corruption cases.

A reliable source from COGHSTA who chose to remain anonymous, revealed that during the period 2016-2019 approximately 12 cases of corruption were reported from the Northern Cape Municipalities to COGHSTA. This information can be verified by perusing the investigation database of the Anti-Corruption Unit under the Sub-Directorate Municipal Compliance in the Department of COGHSTA (COGHSTA, 2019: np). According to this source about 50% of the reported cases were concluded, some of which have been withdrawn due to lack of evidence. The source further revealed that other corruption cases were reported, but could not be investigated, as these cases were reported anonymously and too little information was divulged during the whistle-blowing phase.

Corruption Watch (2017) is of the opinion that the extent of corruption in South Africa remains alarmingly high. However, corruption is undoubtedly an evil act or phenomenon which has a negative financial impact on affected businesses and society and as long as both parties' benefit, it is unlikely that the practice will be ended. Piper (2018:28) admits that uncovering corruption is not easily accomplished and as a result such wrongdoing goes undetected and is, therefore, never prosecuted.

Lyman (as quoted by Bila, 2015:4) regards an intelligence-driven approach as an important model of the criminal investigation process. As a former investigator at the Department of Correctional Services (DCS) the researcher can confirm that during his tenure as investigator, the DCS did not apply intelligence-driven approaches to the investigation of corruption. Added to this, inexperienced investigators were utilised and inadequate training was given to investigators to investigate corruption.

The non-application of intelligence-driven approaches to investigations triggered the interest of the researcher in how investigations on corruption were conducted at other Government Departments within the Northern Cape. During informal discussions with investigators from three Northern Cape Provincial Departments (COGHSTA, Education and Social Services) on 1 March 2017, it was revealed to the researcher that their units (*investigation*) do not have any intelligence systems in place and they do not apply any intelligence-driven approaches to investigations.

On 31 July 2017, the researcher had an informal discussion with an ex-colleague who is still an investigator at the DCS. It was confirmed at the time of the discussion that the 'status quo' of not using intelligence-driven approaches to the investigation of corruption still remained. During pre-research informal interviews with two senior officials at the State Security Agency (SSA) on 31 July 2017, it was confirmed to the researcher that the use of intelligence driven approaches in investigating corruption in the Northern Cape could possibly make a positive contribution to successful investigations.

The absence of an intelligence system and non-application of intelligence-driven approaches to investigations at COGHSTA make up the problem to be researched. It should be noted that COGHSTA hosts three different Departments, namely Co-operative Governance; Human Settlements; and Traditional Affairs, managed by one Head of Department (HOD).

This research concentrates mainly on investigation conducted by the DCOG and not the entire department. The focus of this research is on the application of tactical crime intelligence techniques in the investigation of corruption. The researcher is of the opinion that a need exists for this research to explore and describe the problems with tactical crime intelligence and how it should be applied in the investigation of corruption at the DCOG.

1.3   RESEARCH AIM AND OBJECTIVES

Research aims indicate the direction in which the research goes and indicates the target the research hopes to achieve (Denscombe, 2012:49). The main aim of this research is to conduct a comprehensive study on the application of intelligence led approaches to corruption investigations at the DCOG. The Cambridge Dictionary [sa] defines objective as something that you aim to achieve. According to Calabrese (2012:9), research objectives present a summary of the intended outcomes of a study. The objectives of this study was:

- To determine how tactical crime intelligence techniques should be applied during the investigation of corruption at the DCOG.

- To explore to what extent tactical crime intelligence techniques can contribute to more successful convictions of corruption in the DCOG.

1.4   RESEARCH QUESTIONS

The general research question is a broad question that determines the essential quality of the scope of the research (Antonius, 2013:35). Crano, Brewer and Lac (2015:5) postulate that "a research question is a non-directional statement about specific relationships in a study that ends with a question mark". The research questions was as follow:

- How are tactical crime intelligence techniques applied during the investigation of corruption in the DCOG?

- What are the tactical crime intelligence techniques that contribute to the successful convictions of corruption in the DCOG?

1.5   PURPOSE OF THE RESEARCH

As stated by Neuman (2014a:38) research purposes can be organised into three groups, namely to explore a new topic, describe a social problem, or to explain why some things occur. The author states that studies may have multiple purposes, but one usually dominates. Creswell (2013:134) advises that a purpose statement should be carefully constructed and clearly written in a concise language. The application of intelligence driven approaches to investigations are a new approach to investigators at COGHSTA. Therefore, the purpose of this research is:

- To explore how the application of tactical crime intelligence should be applied during corruption investigations in the DCOG; and

- To empower the researcher and the other investigators within the DCOG with the knowledge of intelligence driven approaches to corruption investigations.

1.6   KEY THEORETICAL CONCEPTS

Gerring (2012:112) indicated that it is impossible to conceptualise a topic without putting a label to it. Concepts address the most basic question of social science research: what are we talking about? The concepts relevant to this study are as follows:

1.6.1 Criminal intelligence

Criminal intelligence is information gathered, compiled, analysed, and/or disseminated to prevent and investigates criminal activity (Dintwe & Zinn, 2015:440). According to Ratcliffe (2016: 69), criminal intelligence is the end product of processes derived from information that has been collected, analysed and evaluated in order to prevent a crime.

1.6.2 Tactical crime intelligence

According to Krause, Botha and Zinn (2015:7), tactical crime intelligence is primarily the collection of facts to form a profile of a target, with a view to an investigation leading to a trail or disciplinary hearing. Buckley (2014:69) views tactical crime intelligence as intelligence regarding a specific criminal event that can be used by operational units to further a criminal investigation, plan tactical operations and provide for officer safety.

1.6.3 Criminal investigation

Gottschalk (2014a:295) describes criminal investigation as an information-rich and knowledge-intensive exercise. According to Osterburg and Ward (2014:5), criminal investigation is the reconstruction of past events.

1.6.4 Corruption

Corruption can be defined as someone who gives or offers to give to a different person in position of authority or power who is either a government official or a member of the private sector a gratification which is not legally due, but which is accepted by person B and which is to the advantage of person A (Van Rooyen, 2013:18-19). Transparency International defines corruption as the abuse of public power for private gain (Holmes, 2015:2).

1.6.5 Techniques

The Free Dictionary [sa] defines techniques as non-prescriptive ways or methods used to perform a mission, functions or tasks. According to Oxford Learner's Dictionary ([sa]:np), a technique is a particular way of doing something.

1.7   RESEARCH METHODOLOGY

Leedy and Ormrod (2015:389) described research methodology as the general approach that the researcher takes to carry out a research project. According to Tracy (2013:260), methodology refers to the philosophical approach towards research. According to Neuman (2014a:2), research methodology means understanding the entire research process.

1.7.1 Research Design

Bertram and Christiansen (2014:40) view a research design as an important plan on how research data is systematically collected and analysed. According to Bertram and Christiansen (2014:6), empirical research involves the collection, analyses and the conclusion drawn from the research data. Empirical approach to knowledge means that it is based on observation or experience (Patten & Newhart, 2018:5). Furthermore, the authors warn that observation and experience can be misleading if they are not systematically collected or reviewed.

An empirical approach based on experience has been adopted in this study, to avoid misleading results and poor interpretations as indicated by (Patten & Newhart, 2018:5). According to Maree (2016:54), descriptive research designs aim at describing a phenomenon. The researcher explored and described how the investigators apply tactical crime intelligence and debates the value of tactical crime intelligence techniques in the investigation of corruption at the DCOG and other departments under COGHSTA. Therefore, a descriptive and explorative strategy was applied during this study.

1.7.2 Research Approach

According to Creswell (2014:3), research approaches are plans and procedures which involve several decisions about which approach should be utilised to study a topic. Qualitative research involves non-statistical examination of a social phenomenon, and using words, symbols, pictures or other non-numeric records that are relevant to the social group under study (McNabb, 2021:241). Tran (2016:27) agrees and added that qualitative research refers to the meanings, concepts, definitions, characteristics, metaphors, symbols, and descriptions of things.

In the context of this research, a qualitative research methodology was applied because of the limited information on tactical crime intelligence within the identified department. Therefore, the description of what the status is with regard to corruption investigation and the use of Intelligence-Led Policing (ILP) and explorative strategy assisted the researcher in exploring how ILP could enhance corruption investigations on the research subject.

1.7.2.1   Advantage of a qualitative approach

According to Streubert and Carpenter (as quoted by Makgari, 2012:15), when conducting qualitative research in the spirit of the philosophy that supports it, qualitative research is rich and rewarding, leaving the researcher and consumers with a desire to understand more about the phenomena of interest. Tran (2016:9) is of the opinion that qualitative research is often less costly than surveys and is extremely effective in acquiring information about people's communication needs and their responses to and views about specific communication.

1.7.2.2   Disadvantage of qualitative approach

Roller and Lavrakas (2015:7-8) are of the opinion that the analysis of qualitative research can often be messy and difficult because "the messiness of the interconnections, inconsistencies and sometimes seemingly illogical input in qualitative research demands that researchers embrace the tangles of their data from many sources".

1.8   DATA COLLECTION

Bertram and Christiansen (2014:71) define data as evidence or information that the researcher collects in order to answer a particular question. Gerring (2012:419) is more specific and describes data collection as a technique which the researcher applies during the collection of evidence. It refers to methods such as focus groups, interviews and other non-reactive measures. According to Flick (2018:7), qualitative data collection is the selection and production of linguistic material for analysing and understanding a phenomena. In this study, the researcher used an interview schedule and a comprehensive literature study as data collection methods.

1.8.1 Interview Schedule

According to Creswell (2013:173), conducting of interviews is demanding and requires patience and skill on the part of the researcher. Denscombe (2014:184) describes research interviews as methods of data collection that use individuals' answers to research questions as their data source. Seidman (2013:94) is of the opinion that an interview guide is a set of pre-set questions that a researcher brings to an interview in order to gather data.

Court (2018:50) is in agreement and added that when conducting semi-structured interviews, the interview is open for new questions that might arise during the conversation. Carey (2012:112) views semi-structured interviews as an interview approach which is ideal for exploring a sensitive topic and integrates a combination of pre-planned and spontaneous questions that also allow the researcher to ask new questions in response to a participant's answers. Semi-structured interviews were used to corroborate data which emerge from other sources (Maree, 2016:93).

An interview schedule with open-ended questions was used in this research project. Sekaran and Bougie (2016:394) view open-ended questions as questions that a respondent can answer in his/her own way. Saunders, Lewis and Thornhill (2016:408) are of the opinion that open questions can be used to reveal attitudes or obtain facts, which allows participants to define and describe a situation. The researcher conducted a pilot study with three investigators who do not form part of the study population. Piloting refers to the testing of the interview schedule before it is implemented (Bertram & Christiansen, 2014:206).

Donley (2012:118) used the term pre-test instead of pilot study. The author maintains that it can be useful for trying out strategies. The purpose of the pre-test was to test the correctness of the interview schedule and to establish whether it will generate enough information required for the study. The interview schedule was forwarded to the supervisor for her comments and approval before the schedule was utilised as an instrument.

Denscombe (2014:187) points out the following advantages of a one-to-one interview:

- It is easy to arrange.

- Opinions and views expressed stem from one source.

- It is easy to control.

- It is easier to transcribe a recorded interview when the talk involves just one interviewee.

Neuman (2014a:347), on the other hand, identifies the following disadvantages of one-to-one interviews:

- Training, travel, supervision and personnel costs for interviews can be high.

- The interviewer's appearance, tone of voice and question wording may affect the respondent.

- Interviewer bias is greatest in one-to-one interviews.

Interviews were conducted on a one-to-one interview basis with six investigators at COGHSTA and with two expert participants, namely a retired senior manager of a State Security Agency and a financial intelligence centre manager, both who have postgraduate qualifications, one with a Master's Degree and the other a Doctor of Philosophy (PHD). Written permission was obtained from the HOD of COGHSTA to interview the investigators. All interviews took place in private and with written consent to participate in the interview was given by all the participants.

The participants were made aware of the rights to privacy and anonymity. The interviews were personally conducted by the researcher. All interviews were recorded with an audio recording device and by hand writing the responses given by the participants during the interviews. Prior permission to use the audio recording device was given by each participant.

1.8.2 Literature Study

Maree (2016:87), views a literature review as the critical assessment of past and contemporary literature. In addition, Faulkner and Faulkner (2019:53) describe it as a search for published research that allows the researcher to synthesise what is known about the research topic.

Donley (2012:110) acknowledges the importance of a literature review. According to the author it identifies the gabs in the literature and helps guide new studies or refines your question. The researcher conducted a comprehensive literature study as a form of data collection. National and international literature were explored in order to obtain information on how tactical crime intelligence should be applied in corruption investigation. The reason for this was to empower the researcher and other investigators with the application of intelligence approaches in corruption investigations.

Sources which were searched for information relevant to the research topic were national and international sources in the field of investigation and policing, such as academic books, newspapers articles and dissertations. The University of South Africa (UNISA) main library; OASIS.UNISA; University of the Free State (UOFS) Library; Kimberley Library as well as the internet (Google Scholar) were visited to search for literature relevant to the study.

a.   Primary Sources

The primary sources that were consulted are:

- National Strategic Intelligence Act of 1994

- Prevention and Combating of Corruption Activities Act of 2004

- Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002

- Constitution of South Africa, 1996

- Protected Disclosure Act 2000

- Public Finance Act, 1999

- Local Government Municipal Systems Act 32 of 2000

- Municipal Finance Management Act and Regulations, Act 56 of 2003

- The Promotion of Access to Information Act 2000.

b.   Secondary Sources

The researcher visited the aforementioned libraries to locate available material on the research topic. The following secondary sources were studied: Academic books, various dissertations, research methodology books as well as internet sources and articles. The research topic was divided into the following concepts in order to find relevant literature to address the research question. They were:

- Crime intelligence

- Tactical crime intelligence

- Criminal investigation

- Corruption

- Technique.

1.8.2.1 Advantages of literature study

There is a plethora of information available to successfully conduct a comprehensive literature study. The literature study contributes tremendously to the researcher's knowledge and understanding about the concept tactical crime intelligence.

1.8.2.2 Disadvantages of literature study

The researcher visited various libraries to search for relevant literature, which was a very expensive and time-consuming exercise. Perusing through literature does not guarantee that you will find relevant information.

1.9 DATA ANALYSIS

Qualitative analysis allows readers to extend their knowledge on the topic under research without personally having to study all the data generated throughout the project (Tjora, 2019:27). Data analysis involves processes which reflect how the researcher combined theoretical and analytical frameworks, previous understanding of literature, and focuses of the research purpose and questions, which often lead to identification of findings in a qualitative study (Bhattacharya, 2017:150). Both primary and secondary data was used during this study.

Primary data is original material of the author's experience and secondary data consists of historical data, which is derived from someone else who did not directly participate in the event (Neuman, 2014b:11-13). Primary data was incorporated to supplement the secondary data. Data was collected by means of interviews and a literature review. Both Leedy and Ormrond (2015:275) as well as Neuman (2014b:3) identify content analysis as a method of data analysis in which the researcher systematically examines the content of written text, audio, visual or other communication medium. The researcher analysed the contents of literature sources by comparing the opinions of the authors with the answers received from the participants during the interviews. The researcher adopted the data analyses techniques as identified by Creswell (2014:197):

1. Organising and preparing data for analysis

2. Reading through all data

3. Coding the data

4. Interrelating themes/description

5. Interpreting the meaning of themes/description.

1.10   PROFILE OF ROLE-PLAYERS

Table 1. 1: Investigators from COGHSTA

Position	Male	Female	Total
Director	2	0	2
Deputy Director	1	1	2
Assistant Director	0	0	0
Senior Administration Officer	0	1	1
Administration Officer	1	0	1
Total	**4**	**2**	**6**

Source: Compiled by student

Table 1. 2: Expert participants

Position	Tertiary Qualification	Training & Courses	Race	Gender
Retired Senior Manager: State Security Agency	Teachers Diploma; Bachelor of Arts; Bachelor of Arts Honours; Degree in Theology; Masters in Governance and Transformation; PHD in Governance and Transformation	Senior operational collection course; Vetting course; Liaison and protocols; Public Management; Public and Assertive Management course, Language studies and Soft Skills	Coloured	Male
Manager: Financial Intelligence Centre	Certificate in Anti-money laundering; BA Police Science; BA Honours Criminology; Diploma in Taxation; Diploma in Data Matrix; Computer Science; M-Tech Forensic Investigation.	Basic training SAPS; Several short courses within SAPS; Analyst notebook; IBASE; Analysis tool; Financial investigations from USA Homeland Security; Anti-money laundering training (International Law Enforcement Academy)	White	Male

Source: Compiled by student

1.11   RESEARCH DEMARCATION

According to Mwanje (2012:81), demarcation and limitation set parameters in a research which establish the boundaries, exceptions and qualification in the study. "Demarcation of your research is always necessary because without boundaries you will find you have no direction to your research" (Heil, Seitz, Konig & Robienski, 2017:38). The MEC of COGHSTA may designate a person or persons to investigate any municipality suspected of corruption or any serious maladministration within the Province (South Africa, 2007:129). This research focused on those investigators appointed by the MEC of COGHSTA, who conduct corruption investigations at Northern Cape Municipalities. The researcher was of the view that expert opinion on the application of intelligence driven approaches in corruption investigations was necessary. Therefore, the two experts who are not employed by COGHSTA were included in this study.

1.11.1 Time frame

This research is focused on the timeframes 2016 to 2019 because during this period approximately 12 cases of corruption were reported from the Northern Cape Municipalities to COGHSTA.

1.11.2 Geographical demarcation

This research was conducted in Kimberley in the Northern Cape Province. Kimberley is the capital city of the Northern Cape Province and is also known as the Diamond City. The DCOG is one of three programmes under COGHSTA. The Northern Cape Provincial Office of COGHSTA is situated in Kimberley and this is the area where the investigators of this study and the researcher work from. It was convenient for the researcher to approach the six investigators and the retired senior manager of the State Security Agency because they are all situated in close proximity of where the researcher works. However, one expert from the Financial Intelligence Centre (FIC) is situated in Centurion (Gauteng Province) and the researcher was compelled to travel to Centurion for the one-to-one interview.

1.11.3 Numerical demarcation

The focus of the researcher was to establish how corruption investigations were conducted within COGHSTA. Therefore, six investigators who conduct corruption investigations at the DCOG were included in the study. Two expert participants, one from FIC in Centurion and one retired senior manager from the State Security Agency, were also included in this study. There was a total of eight participants in this research project.

1.12 POPULATION

McNabb (2021:79) viewed population as a complete set or group of individuals, items, events, etc. from which a sample can be drawn. Similarly, Bertram and Christiansen (2014:59) point out that the population of a study is the total number of people, groups or organisations that could be included in a study. The population for this study is a relatively small unit and consists of all the investigators employed at COGHSTA (South Africa) who are responsible for the investigation of corruption within the DCOG, which are six investigators. Due to time constraints and costs, the researcher narrowed the population and used a target population instead. Two separate target groups were used for the study, which are as follows:

- The first target group (group A) is the investigators of Northern Cape COGHSTA who investigate cases in the DCOG.

- The second target group (group B) consists of two experts, one from the FIC situated in Centurion (Gauteng Province) and one retired senior manager from the Department of State Security Agencies (SSA) in Kimberley, respectively. These experts were purposely selected based on their knowledge and experience. Both of them are in possession of post-graduate qualifications (M-Tech and PHD) respectively and have working experience and knowledge in the field of criminal intelligence and the investigation of corruption. These experts contributed tremendously to this research project.

1.13 SAMPLING

Similar to McNabb (2021:79), Neuman (2014a:246) defines a sample as a small set of cases selected from the total population. There are two major ways in which a sample can be selected, namely probability or non-probability. Probability sampling means the sample units are selected randomly and each element in the population has a chance of being selected. Non-probability sampling allows the researcher to deliberately handpick a sample according to the nature of the research problem (McNabb, 2021:88).

Faulkner and Faulkner (2019: 106) added that non-probability sampling includes any selection technique in which samples do not have a greater than zero chance of being selected. The authors identify four techniques of non-probability sampling as convenience, purposive, quota and snowball sampling. Creswell (2014:189) is of the opinion that the idea behind qualitative research, participants are purposefully selected to help the researcher understand the problem and research questions. With reference to purposive sampling, Faulkner and Faulkner (2019: 107) stated that researchers select a sample based on their knowledge about the population or with predetermined characteristics in mind.

In addition, Creswell (2013:156) points out that the researcher selects participants because they can purposefully inform an understanding of the research problem. Carey (2012:39) added that the researcher deliberately chooses people who will provide him/her with the best data he/she required. This study used purposive sampling since all participants have knowledge on the research topic.

Non-probability sampling in the form of purposive sampling was applied in selecting two separate population groups. A total of eight participants were interviewed, six investigators who are responsible for the investigation of corruption within the DCOG and two experts – one from the FIC (Centurion, Pretoria) and one retired senior manager from SSA (Kimberley).

1.14 TRUSTWORTHINESS OF THE RESEARCH

According to Anney (2014:275), trustworthiness of qualitative research has already been established in literature.

The intention of various literature sources on trustworthiness in qualitative research is to improve the current practice and help graduate students to understand and apply the correct evaluation criteria to add to the legitimacy of their research projects. To establish the 'trustworthiness' of a qualitative study, Lincoln and Guba (in Creswell, 2013: 246) use terms such as credibility, transferability, dependability and conformability, as discussed below:

1.14.1 Credibility

A credible study provides assurance that data was properly collected and interpreted so that the findings and conclusions accurately reflect and represent what was studied (Yin, 2016:85). According to Bertram and Christiansen (2014:188), researchers may use audio recording devices to record interviews verbatim, meaning that the transcripts are more accurate than notes jotted down during interviews. The researcher ensured that all interviews were recorded using an audio recording device. All the questions asked were relevant to the research topic. Prior permission to utilise an audio recording device during the interviews were obtained from the respondents. All recordings were labelled and stored on a computer programme, which was later transcribed and compared with the hand written notes taken during the interview.

1.14.2 Transferability

The core concern with transferability is to determine "whether the findings obtained for one instance or set of instances in one specific context also apply to other instances in a different context" (Flick, 2018:86). According to Guba and Lincoln (as quoted by Flick, 2018:35), transferability has to do with the provisioning of sufficient details in order to allow the reader to judge the applicability of findings to other contexts. In this research, transferability was achieved by providing a thick description strategy as explained by Maree (2016:124) in which a full and purposeful account of the context, participants and research design are provided to prove transferability. The researcher provided detailed descriptions of the participants of this study and full background information about the context in order for other researchers to apply the findings in their research.

1.14.3 Dependability

Merriam and Grenier (2019:28) are of the opinion that triangulation, peer examination, investigator's position and audit trails are strategies a researcher can use to ensure dependability. Similar to Bertram and Christiansen (2014:190), Merriam and Grenier (2019:28) are of the opinion that an audit trail describes in detail how data was collected, categorised and how decisions were made throughout the study. A detailed account of how the content of this study was collected and processed is visible throughout the study.

1.14.4 Conformability

Maree (2016:123) is of the opinion that a researcher should keep the procedures that are used to assess the trustworthiness of data-analysis constantly in mind. According to Guba and Lincoln (as quoted by Flick, 2018:35), conformability is the ability to provide a chain of evidence between the data and the conclusion. Conformability can be improved by making the research process transparent with enough details for readers to check whether they would have reached the same or similar conclusions (Bertram & Christiansen, 2014:190).

The researcher made use of reliable literature from academic institutions and libraries only, and reliable search engines such as: Google Scholar and OASIS.UNISA were consulted. The researcher wrote relevant information down from the literature consulted. All authors were acknowledged throughout the study and comprehensive reference lists are included at the end of this report/dissertation. To ensure that the data collection and analysis were carried out consistently, the researcher personally conducted all interviews and analysed the data himself.

1.15 ETHICAL CONSIDERATIONS

Tjora (2019:22) stated that during qualitative research, the researcher is frequently in direct contact with the participants of the study. Therefore, normal politeness is a good starting point for an ethically sound research practice. According to Antonius (2013:43), every research institution must have a set of ethical guidelines for conducting research, and can be summarised as:

- Informed consent. The participants must give consent to participate in the research.

- Confidentiality. Appropriate means must be taken to ensure that information about individuals remains confidential.

- Absence of relationship of authority. Participants should not be pressured to enroll in the research.

- Freedom to withdraw at any time. The researcher must inform participants that they may withdraw from the project at any time.

The researcher adhered to the Policy on Research Ethics of the UNISA and all interviews were conducted after the ethical clearance was received from the UNISA Ethical Clearance Research Committee on 1 August 2019. Permission was granted by the HOD of COGHSTA to conduct interviews with the investigators. The research was conducted in an ethically correct manner with the basic ethical principles adhered to as described by Court (2018:82):

- Harm and benefits

The researcher ensured that no harm will be caused to the participants of the study.

- Informed consent

Before the research interviews commenced, the process of the project was communicated to the participants. Thereafter, they were requested to sign a consent form. The consent form highlighted that the participants voluntary participated in the study and gave their consent to be included in the study.

- Deception

The researcher has no intention to misrepresent facts or cause deliberate harm to respondents.

- Privacy and confidentiality

The researcher promised not to reveal information without prior consent from the participants. The right to privacy of participants was considered throughout the research project.

- Right to withdraw

Before the commencement of the interviews, the participants were provided with a participant information sheet which, amongst others, informed them that they may withdraw at any time from participating in the study.

- Conflict of interest

This research project was not influenced by anyone. On the other hand, it was conducted with the intention to advance knowledge as pointed out by (Court, 2018:82).

1.16   PROBLEMS ENCOUNTERED DURING THE RESEARCH

The general problems which the researcher encountered during the course of this study were:

- The availability of the participants for the one-to-one interviews. Interview dates were set and agreed upon by some of the participants, but due to the participants' workloads, interview dates were rescheduled which caused a delay in the research project.

- The continuous water cuts experienced at COGHSTA (Kimberley) during the interview period contributed negatively towards the focus of the participants. Participants were focusing more on being released from their duties and less on their response to the interview questions.

1.17   ORGANISATION OF THE RESEARCH

This study is divided into four chapters and are as follows:

Chapter One: General orientation

In this chapter, the general direction of the study was discussed. This includes the rationale of research, the aims and objectives, research questions, key theoretical concepts relating to the research topic, research methodology, research design and approaches, research techniques, research methods, population and sampling, data collection and analysis, method taken to ensure validity and reliability as well as ethical considerations.

Chapter Two: Corruption investigation

This chapter addresses literature on the investigation of corruption and feedback from interviews. The meaning of criminal investigation, forensic investigation as well as the goals of investigations are covered in this chapter. The different forms and elements of corruption are also discussed. The chapter also deals with the concept crime intelligence and the status of how corruption investigation and anti-corruption strategies are applied within COGHSTA.

Chapter Three: Tactical crime intelligence

This chapter explored literature on tactical crime intelligence and elaborates on the feedback from participants. It focusses on tactical crime intelligence techniques and the value thereof in the investigation of corruption to ensure successful convictions.

Chapter Four: Findings, recommendations and conclusion

This chapter provides the reader with the findings and recommendations on the use of tactical crime intelligence techniques in the investigation of corruption. The research findings answer the research objectives and research questions, and recommendations are made accordingly. Furthermore the chapter end with the conclusion of this study.

CHAPTER TWO
CORRUPTION INVESTIGATIONS

2.1   INTRODUCTION

Section 41 (1) (c) of the South African Constitution Act 108 of 1996 requires all spheres of government to provide an effective, transparent and united government (South Africa, 1996:21). Section 195 (1) (a) further requires public administration to promote and maintain high standards of professional ethics (South Africa, 1996:99). Van Rooyen (2013:24) points out that the South African Government has committed itself in the fighting and combating of corruption. Section 106 of the Local Government Municipal Systems Act 32 of 2000 states that the Member of Executive Council (MEC) for local governance has the legal obligation to appoint an investigation team to assist in investigating corruption related cases within any municipality in the Province (South Africa, 2007:129).

This chapter will focus on the study's research objective and question number one: "How are crime intelligence techniques applied during the investigation of corruption in the Department of Co-operative Governance (DCOG)?" The chapter further gives an overview of the concept crime intelligence, criminal and forensic investigation as well as the goals of investigation. The elements of corruption, the various forms of corruption and anti-corruption practices are also addressed in this chapter. This section further deals with how corruption investigations are approached at the DCOG. The participants' responses to the interview schedule are also addressed in this chapter.

Two different groups were interviewed, namely Group A, which consists of the investigators of the DCOG and Group B, which consists of the expert participants of this study. The two expert participants of this study are one retired senior manager from the Department of State Security Agencies (SSA) in Kimberley and one manager from the Financial Intelligence Centre (FIC) in Centurion (Gauteng Province). This chapter focuses on questions asked in Section B of the interview schedules Numbers 1 and 2 (see Annexures: A & B).

Annexure A consists of a set of questions posed to the DCOG investigators and Annexure B consists of a set of questions posed to the expert participants.

2.2   CORRUPTION

In an article written by Friedman (2020), the author points out that corruption is a constant feature in South African political life, which is deeply rooted and that it will take concerted effort and time to defeat this. The author highlights that corruption in South Africa is not a new phenomenon, but dates back to the colonisation in 1962. He is of the belief that the seed of post-1994 corruption was deeply planted in the country's past. Open Society Initiative for Southern Africa (OSISA) (2017:4) added that corruption has become part of politics in South Africa in two different ways. Firstly, it has an influence on the functioning of the body politics in South Africa where corruption is resorted to as a means to attain political influence. Secondly, it has an impact on the effectiveness and legitimacy of State institutions.

The organisation further points out that political elites accused of corruption have a tendency to launch attacks on those institutions appointed to investigate corruption allegations, which ultimately results in the undermining of genuine investigations into corruption. However, Albanese (2015:238) is of the opinion that corruption is an endemic problem around the world where official positions are misused for personal gain. Wells (2013:259) added that corruption is an act done with the intention to give inconsistent advantage, contrary to the duty and rights of others.

Heimann and Pieth (2018:29) further describe corruption as a 'cancer' which is deeply engrained in many societies. The authors highlight that corruption is harmful and may lead to dangerous misallocation of resources and waste of taxpayers' money (Heimann & Pieth, 2018:38). In his article, Ofusori (2020) added that mismanagement of resources contributes to the unemployment and poverty rate in South Africa. He argued that it is difficult to create jobs with scarce resources while available jobs are under threat due to the decline in financial obligations by employers. The author is of the opinion that if the rate of corruption within South Africa reduces, the crime rate will ultimately drop. Similar to Rose-Ackerman and Palifka (2016:29), Joubert (2013:193) stated that:

Corruption undermines fundamental human rights, endangers the stability and security of societies, undermines the institutions, values and democracy as well as ethical values and morality, the rule of law and the credibility of governments, and provides a breeding ground for organised crime.

On an annual basis, thousands of corruption allegations are reported to the Public Service Commission and a non-profit organisation named Corruption Watch (Budhrum, 2015:49). OSISA (2017:223) is in agreement and points out that corruption has significantly increased in South Africa. During this research project, the researcher observed that South African news room channels were filled with corruption allegations made against high profile South African politicians. An example of such is the recent arrest of the former Head of the Department for the Northern Cape Department of Health along with two other accused. They were granted bail on charges of alleged corruption related cases against them (Masweneng, 2021). Van Rooyen (2013:7) stated that someone who gives or offers to give a benefit to another in exchange for a favour is committing corruption if such an offer is accepted by both parties.

According to Joubert (2018:117), any person who accepts or gives a gratification, in order to influence the receiver to conduct him/herself in a way that amounts to the unlawful performance of their duties is committing the offence of corruption. The Department of Public Service and Administration (DPSA) provides a working interpretation of corruption as:

Any conduct or behaviour in relation to a person entrusted with responsibilities in public offence which violates their duties as public officials and which is aimed at obtaining undue gratification of any kind for themselves or for others (South Africa, 2002:11).

Deloitte ([sa]:33) on the other hand provides a layman's explanation of corruption as:

- The giving of direct or indirect compensation.
- To whom it is not due.
- For something he should not do.
- Or not doing something he should do.

The Prevention and Combating of Corruption Activities Act 2004 (PCCA) was enacted to provide for the strengthening of measures to prevent and combat corruption and related corruption offences, and to provide investigative measures in respect to corruption related activities (South Africa, 2004:1). Chapter 2 of PCCA identifies offences in respect of corruption activities, which include amongst others:

- The general offence of corruption.
- Offences in respect of corruption activities relating to public officers; foreign public officers; agents; members of legislative authority; judicial officers; members of a prosecuting authority.
- Offences of receiving or offering unauthorised gratification by or to a party or to an employment relationship; witnesses and evidential material during certain proceedings; contracts; procuring and withdrawal of tenders; auction; sporting events; gambling games or games of chance.
- Offences relating to acquisition of private interest in contract, agreement or investment of a public body.
- Offences of unacceptable conduct relating to witnesses (South Africa, 2004:10-22).

Section 3 of the PCCA translates the general offence of corruption as, any person who directly or indirectly:

(a) Accepts or agrees or offers to accept any gratification from any person, whether for the benefit of him/herself or for the benefit of another person; or

(b) Gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person, in order to act, personally or by influencing another person so to act, in a manner-

    (i)   That amounts to the-

        (aa) illegal, dishonest, unauthorised, incomplete, or biased; or

        (bb) misuse or selling of information or material acquired in the course of the exercise, carrying out of a constitutional, statutory, contractual or any other legal obligation;

    (ii)   That amounts to-

        (aa) the abuse of a position of authority;

        (bb) a breach of trust; or

        (cc) the violation of a legal duty or set of rules;

(iii)   Designed to achieve an unjustified result; or

(iv) That amounts to any other unauthorised or improper inducement to do or not to do anything, is guilty of the offence of corruption (South Africa, 2004:10).

It is obvious from the above discussion that corruption is an evil phenomenon that has a negative financial impact on effective businesses. For the purpose of this study, corruption can be described as the act of abusing official power for personal gain (*DCOG official*) to influence an outcome (e.g. *tender process*) in exchange for undue gratification (*sexual favour, money, etc.*) to unfairly advantage the next individual (*businessperson*). This implies that two or more individuals are required to be involved in a corrupt transaction. During the interviews with the participants of Group A, they were asked to define corruption, and their responses were recorded as follows:

➢ Participant number one answered: "*Corruption is an act which is triggered by greed, including the disregard for the law with the purpose to benefit those individuals who are involved in the act of corruption*".

➢ Participant number two answered: "*Corruption is where two or more people confine to steal money from the State or private persons*".

➢ Participant number three answered: "*It is an unethical behaviour that is against policies and legislation, which results in the exchange of things for favour*".

➢ Participant number four answered: "*Corruption is the misuse of public power by elected politicians and public officials for personal gain*".

➢ Participant number five answered: "*Corruption is where people bend rules to enrich themselves and by giving unfair advantages to others*".

➢ Participant number six answered: "*Corruption is the dishonest, fraudulent conduct by those in power who deviate from laws and procedures to enrich themselves*".

The answers received from the participants were compared to those of literature reviewed.

The minority of the participants viewed corruption as an act which is triggered by greed with the purpose to benefit those individuals who are involved in the act of corruption. It is where two or more people confine to steal money from the State or private persons. Corruption is an unethical behaviour that is against policies and legislation, which results in the exchange of things for favour. It is the misuse of public power by elected politicians and public officials for personal gain.

Where people bend rules to enrich themselves and by giving unfair advantages to others. It involves the dishonest, fraudulent conduct by those in power. It became apparent that the participants have a good understanding of the definition of corruption even though it is not exactly defined as by the literature. The researcher would like to indicate his support of the arguments of both literature and the opinions of the participants that corruption is an illegal relationship between two or more parties where the one party misuses his/her power for personal gain from the other party.

2.2.1 Elements of corruption

Lasley, Guskos and Seymour (2014:24) view the elements of a crime as the factual legal requirements of a crime which must be demonstrated during an investigation. Newburn Williamson and Wright (2011:95) are of the opinion that, when conducting an investigation with a prosecution-orientation mind, the investigator's objective is then dictated by criminal law. The authors further highlight that criminal law defines the elements of crime and the criteria of criminal responsibility. Walker, Palmer, Baqwa, Gevers, Leslie and Steynberg (2018:496) identify the following elements of the general crime of corruption:

- The act of giving or receiving;
- Unlawfulness; and
- Intent.

Both Hoctor (2020:358) and the Supreme Court of Appeal in the case of Selebi 2012 (1) SACR 209 (SCA) paragraph 8 identify the elements of the general offence of corruption as: (a) acceptance; (b) of a gratification; (c) inducement; (d) unlawfulness; and (e) intention.

a. Acceptance

Hoctor (2020:358) is of the opinion that the mere making of an offer constitutes an act of corruption. Deloitte ([sa]:65) points out that the following amounts to receiving or offering:

- giving includes lending/granting/conferring/promise/procure and agreement;
- accepting includes demanding/soliciting/promising/offering/asking for/seeking/requesting/receiving and agreement.

b. Gratification

Section 1 of PCCA defines gratification as:

(a) Money, whether in cash or otherwise;

(b) Any donation, gift, loan, fee, reward, valuable security, property or interest in property of any description, whether moveable or immovable, or any other similar advantage;

(c) The avoidance of a loss, liability, penalty, forfeiture, punishment or other disadvantage;

(d) Any office, status, honour, employment, contract of employment or services in any capacity and residential or holiday accommodation;

(e) Any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;

(f) Any forbearance to demand any money or money's worth or valuable thing;

(g) Any other service or favour or advantage of any description, including protection from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and includes the exercise or the forbearance from the exercise of any right or any official power or duty;

(h) Any right or privilege;

(i) Any real or pretended aid, vote, consent, influence or abstentions from voting; or

(j) Any valuable consideration or benefit of any kind, including any discount, commission, rebate, bonus, deduction or percentage (South Africa, 2004:5).

c. Inducement

The perpetrator must accept the gratification as an encouragement in order to act in a certain manner (Hoctor, 2020:360).

d. Unlawfulness

Similar to Hoctor (2020:363), Joubert (2018:122) stated that the conduct of both the giver and recipient must be unjustified.

e. Intention

Corruption is an offence of double intent. The perpetrator must have the intention to accept the gratification and the intention to act in a certain manner in return for the gratification (Hoctor, 2020:364). In light of Lasley et.al.' (2014:24) viewpoint, it can be argued that the elements of a crime (*corruption*) are a set of preconditions that needs to be proved before the misconduct can be classified as corruption. The discussion herein identify the preconditions of corruption as – acceptance; gratification; inducement; unlawfulness; and intention.

The DCOG investigators should keep in mind that during a trial it is expected from a prosecutor to prove that all elements of corruption were present during the commission thereof (Joubert, 2018:49). With this in mind it is preliminarily recommended that the DCOG investigators acquaint themselves with the requirements of corruption before the commencement of such inquiry. The question posed to all the participants of this study was "What are the elements of corruption?" Participants from Group A answered as follows:

> ➢ Participant number one answered: "*There must be an initiator who approaches a person in a position of power who intentionally and unlawfully offers a benefit in exchange for a favourable advantage over other people*".

> ➢ Participant number three answered: "*Two or more people must be involved, a benefit is given to a person of authority to influence his or her decision-making and the act must be intentional and unlawful*".

> ➢ Participant number four answered: "*A gratification is unlawfully given to an accepter with the intention of receiving a favour from that accepter*".

> ➢ Three participants (participants numbers two, five and six) explained that the elements of corruption include a giver who unlawfully offers a benefit to a receiver in return for a favourable decision from the receiver.

The participants from Group B replied as follows:

> Participant number one answered: "*two or more parties must be present, some sort of a benefit is offered and received with the intention to influence a decision and the act must be unlawful*".

> Participant number two answered: "*A corruptee and a corrupter must be present during the offence of corruption; a gratification is offered and must be received by the corruptee with the intention to unlawfully gain through the detriment of others*".

The feedback received from the participants was compared to those of literature reviewed. The participants of Group A viewed the elements of corruption as: Two or more people must be present. A benefit must be given and received. The act must be unlawful. The purpose of the gratification is to influence the decision-making of the receiver. The act must be conducted with the intention to corruptly benefit.

The participants of Group B are of the opinion that the elements of corruption include: At least two parties must be present during the offence of corruption (corruptee and corrupter). Some sort of a benefit must be given (gratification). The act of corruption must be present. Someone must unlawfully gain through the detriment of others. The perpetrators must act with intention. It is evident from the answers provided by the participants that both groups were in agreement with the literature. Three participants of Group A (participants numbers two, five and six), however, did not mention intention as an element. The researcher is of the belief that all elements of a crime must be present in order to get a positive conviction.

This is further supported by Joubert (2018:48) who states that it is imperative that the prosecution must prove the simultaneous existence of all elements at the time the offence was committed in order for the court to convict an accused. The fact that the three participants fail to mention 'intention' is not an indication that they do not have knowledge of such element. Deloitte ([sa]:18) further advises that the elements of a crime can be identified by studying and analysing the applicable statutory or common law definitions.

2.2.2 Forms of corruption

Gottschalk (2014a:18) is of the opinion that corruption can be classified as grand or petty corruption. Grand corruption, according to Rose-Ackerman and Palifka (2016:11), involves a small number of powerful individuals and a large sum of money. According to Van Rooyen (2013:20), grand corruption involves the distortion of government's central functions by senior public officials which is sometimes referred to as 'state capture'.

Petty corruption, on the other hand, is easier for the ordinary citizen to observe (Rose-Ackerman & Palifka, 2016:11). Van Rooyen (2013:20) describes petty corruption as the exchange of small amounts of money in return for small favours which can be described as administrative corruption. Heimann and Pieth (2018:31) view corruption as an umbrella term for an entire field of concrete offences. The DPSA (2002:7-8) identifies the following as types of corruption offences:

- Bribery**:** The explicit exchange of money or favours for rule breaking (Rose-Ackerman & Palifka, 2016:8). Gottschalk (2014a:18) views bribery as "corruption conducted to achieve a favourable treatment". It involves the benefit that improperly affects the decisions of a public servant (South Africa, 2002:7).

- Extortion**:** This involves coercing a person to provide a benefit to a public servant (South Africa, 2002:8). Demand of a bribe by an official for doing his duties or for breaking the rules (Rose-Ackerman & Palifka, 2016:8).

- Favouritism: Provision of services according to personal affiliation of the public servant (South Africa, 2002:8).

- Nepotism: Public servants ensuring that family members receive advantaged consideration (South Africa, 2002:8). Hiring of close social ties rather than more qualified, but unrelated applicants (Rose-Ackerman & Palifka, 2016:8).

- Insider trading: The use of privileged information and knowledge to provide unfair advantages (South Africa 2002:8).

- Fraud: Involves actions by public officials or any other person that trick others into providing a benefit that would not normally accrue to the public servant (South Africa, 2002:8).

- Embezzlement: Theft of resources by a person entrusted with the authority of such resources (South Africa, 2002:7). Theft from the employer by the employee (Rose-Ackerman & Palifka, 2016:8). The fraudulent acquiring of money by a person to whom they are entrusted (Woods, 2013:587).

- Abuse of power: The abusing of vested authority to improperly benefit another person (South Africa, 2002:8). Abusing power of decision in government to extract bribes (Rose-Ackerman & Palifka, 2016:8).

- Conflict of interest: Act or fail to act on matters of interest to the public official (South Africa, 2002:8). Having a personal stake in the effects of the policies one decides (Rose-Ackerman & Palifka, 2016:8).

2.2.3 Anti-corruption practices

The Public Services anti-corruption strategy has been developed in order to give effect to the expressed commitment of Government to fight corruption in the Public Service (South Africa, 2002:6). The purpose of the strategy is to prevent and combat corruption through a multiplicity of supportive actions. This strategy is informed by the following principles to root out corruption:

1. The need for a holistic and integrated approach to fighting corruption with a balanced mixture of prevention, investigation, prosecution and public participation as the platform for the strategy;

2. Constitutional requirements for the criminal justice system and public administration; public service tailor-made strategies that operate independently but complementarily to national strategies, particularly with regard to detection, investigation, prosecution and adjudication of acts of corruption, as well as the recovery of the proceeds of corruption;

3. Acts of corruption are regarded as criminal acts and these acts can be dealt with either in the administrative or criminal justice system, or both if necessary;

4. Domestic, regional and international good practice and conventions (South Africa, 2002:11).

On 13 August 2019 the Northern Cape Office of the Premier partnering with the Department of COGHSTA, the Directorate of Priority Crimes Investigation (DPCI) also known as the HAWKS, the Public Protector (PP), the Special Investigation Unit (SIU) and the Auditor-General of South Africa (AGSA) hosted an anti-corruption awareness roadshow in order to create anti-corruption awareness to departments, regional offices and municipalities across the Northern Cape Province.

The purpose of the campaign was to promote the prevention and detection of corruption and corrupt activities in all spheres of government with the aim of promoting clean governance and conscientious citizenry in government. During this campaign, the Director General of the Northern Cape Provincial Administration, Justice Bekebeke, encouraged the departments and stakeholders to uproot corruption and report it to the relevant agencies.

The MEC for Social Development, Ms Barbara Bartlett, who was acting on behalf of the MEC for COGHSTA, stated in her speech: "Corruption in South Africa has been on a rapidly evolving rise and so widespread and universal that unless it is decisively tackled, there is a real danger that it will become entrenched as a normal aspect of life" (Anti-Corruption Campaign, 2019: np).

2.3   INVESTIGATIONS

Buckley (2014:356) compared an investigation to a jigsaw puzzle. The author states that when all pieces are in the right place, the picture becomes obvious. In addition, Gottschalk (2014b:61) stated that in the absence of pieces and the ill-placing of the puzzle pieces will make it difficult to perceive, understand and interpret the fragmented picture. According to Sennewald and Tsukayama (2014:3), an investigation is the examination, study, searching, tracking and gathering of factual information that solve problems.

Buckley (2014:65-66) describes investigations as an inquiry into a matter with the intention of bringing an offender to justice. Woods (2013:7) stated that conducting an investigation is like solving a mathematical problem backwards with the solution known, but with proof yet to be derived. According to Van Rooyen (2013:174), an investigation is the medium through which facts necessary for successful criminal prosecution or civil litigation are discovered, identified, gathered, persevered and prepared as evidence for court proceedings.

In light of the above discussion, investigation can be viewed as the systematic examination of a problem. It can be argued that the word 'investigation' may be used as a synonym for examination; study; searching; tracking and gathering. The explanation provided by Sennewald and Tsukayama (2014:3) suggests that investigation is not necessarily directed to criminal transgressions, but rather to pursuing solutions to a problem. In the context of this study, investigation will be viewed as an inquiry with the intent to search for the truth of a matter.

The question, "What is your understanding of investigations?" was put to the participants of Group A, the investigators. They responded as follows:

- ➤ Participant number one answered: "*Investigation is a process to establish facts relating to allegations of misconduct*".

- ➤ Participant number two answered: "*Investigation is a process of establishing facts relating to unacceptable conducts by officials of an institution*".

- ➤ Participant number three answered: "*Investigation is a process of gathering information to resolve a case under investigation*".

- ➤ Participant number four answered: "*Investigation entails the searching and collection of evidence relating to a misconduct to determine the facts of the matter under investigation*".

- ➤ Two participants (participants number five and six) were of the opinion that investigation is a formal and systematic enquiry to determine whether rules or laws were breached.

When comparing the responses from the participants with those of the literature consulted, the participants have a general understanding of an investigation.

Two participants are of the opinion that investigation is a process to establish facts relating to allegations of misconduct. Two interviewees believed that investigation is an information gathering process with the purpose to determine a particular matter under investigation. Furthermore, the other two were convinced that investigation is a formal and systematic enquiry to determine whether rules or laws were breached. The opinion of the participants concur with those of the authors. However, one notable distinction identified is that the literature refers to an investigation as an examination whereas the participants of Group A refer to an investigation as a process or enquiry.

2.3.1 Forensic Investigation

According to Osterburg and Ward (2014:23), the word forensic is derived from Latin which means forum. Milne (2013:1) is of the opinion that the word forensic means two things, namely:

- In classical times, to bring evidence before the court; and
- In modern times, scientific evidence in the form of comparison and scientific findings applied to the law.

Osterburg and Ward (2014:23) further stated that forensics is characterised as the scientific examination of evidence. Similar to Brown and Daveport (2012:19), Monckton-Smith, Adams, Hart and Webb (2013:5) view forensic science as the application of science to law. Monckton-Smith et.al (2013:105) stated that forensic science is not solely concern with high-profile, violent or emotive crimes. The authors further stated that any legal investigation that can be explored through the application of science may need to call on a forensic scientist. Newburn et.al (2011:661) agree by stating that the term criminalistics refer to the process of forensic crime scene investigation. Osterburg and Ward (2014:23) further point out that criminalistics is directed towards:

- The identification of a substance, object or instrument.
- To establish the connection between, physical evidence, victim, suspect and crime scene.
- The reconstruction of the crime.

- To protect the innocent by developing evidence that may exonerate a suspect.
- To provide expert opinion in court.

Dintwe and Zinn (2015:2) are of the opinion that forensic investigation is a recognised science in its own right. The authors point out that during an investigation both natural sciences and human sciences play a pivotal role in solving the crime. By means of examples, the authors identify police science and the investigators during crime investigation as a form of human sciences, Deoxyribonucleic Acid (DNA) analysis, on the other hand, is an example of natural sciences.

Lekubu (2015:29) points out that investigation involves the application of scientific methods and techniques to reconstruct circumstances surrounding criminal activities. Dintwe and Zinn (2015:20) agree and added that forensic investigation is directed towards discovering, collecting, preparing, identifying and presenting evidence which can be presented to a court, disciplinary council, instructing a client or company. In addition, Dutelle and Becker (2019:7) clarify that forensic investigation is the application of forensic science to a criminal investigation.

The above discussion suggests that forensic investigation is the application of scientific methods and techniques during the investigation of a crime (corruption) which is directed for court purposes. The researcher is in agreement with Dintwe and Zinn (2015:2) and, therefore, holds the opinion that both natural science and human science will be of importance in solving corruption investigations at the DCOG. It is common knowledge that technological aids, such as: desktop computers, laptops, cellular phones, etc. store huge volumes of information on their internal memories. Therefore, the scientific examination of these types of items may produce valuable information relating to a corruption investigation.

However, a forensic expert, as referred to by Monckton-Smith et.al (2013:105), will be required to retrieve and analyse information from these types of devices. The participants of Group A was requested to explain the concept forensic investigation. Their responses were captured as follows:

➢ Participant number one answered: "*Forensic investigation is an in-depth investigation which focuses on corruption, fraud and other financial related crimes*".

➢ Participant number three answered: "*Forensic investigations are conducted by well-trained investigators who focus mostly on investigations of financial related misconducts*".

➢ Participant number four answered: "*Forensic investigation is a comprehensive investigation and the analysis of financial crimes*".

➢ Two participants (participants number two and six) were of the opinion that forensic investigation involves the scientific gathering and analysis of crime related evidence in order to come to a conclusion about a suspect.

➢ Participant number five answered: "*Forensic investigations are investigations conducted by trained and highly skilled investigators*".

The feedback received from the participants were compared with the viewpoints of the different authors. Three participants viewed forensic investigation as an in-depth investigation and analysis of financial related crimes. Two interviewees were of the opinion that forensic investigation involves the scientific gathering and analysis of crime related evidence in order to come to a conclusion about a suspect. One participant is of the opinion that forensic investigations is investigations conducted by trained and highly skilled investigators. Participants numbers two and six mentioned that forensic investigation involves the application of science in investigations.

Van der Watt (2011:116), however, in his study states that forensic investigation involves the application of both scientific and non-scientific methods and techniques to gather relevant facts related to an allegation. The researcher is of the opinion that the three participants (participants numbers one, three and four) who referred to forensic investigation as the in-depth investigation and analysis of financial related crimes, suggest that forensic investigation sole focus is on financial related crimes. This, however, is in contradiction with the argument of Monckton-Smith et.al (2013:105) who state that any legal investigation who can be explored through the application of science may call on a forensic scientist.

Participant number five, who referred to trained and highly skilled investigators, failed to give an explanation of what forensic investigation entails, but rather identified some expertise required of an investigator. It became apparent that the participants have an idea of what forensic investigation entails even though they do not give the explanation of the concept as defined by literature.

2.3.2 Criminal Investigation

Criminal investigation, as suggested by Osterburg and Ward (2014:5), is the collection of information and evidence for the purpose of identifying, apprehending and convicting a suspect. McMahon (2014:175) added that criminal investigations are orientated towards cracking unsolved crime, identifying perpetrators, launching prosecution and bringing offenders to justice. Lyman (2013:2) stated that in addition to technical competency, a criminal investigator must possess knowledge of legal matters because the law of evidence and procedure is of prime importance to an investigator. The author further highlights that an investigator must possess the capability of analysing evidence in order to determine whether it will be admissible in criminal proceedings.

Van Rooyen (2013:2) is more specific in his argument and stated that in order to conduct corruption related investigation, a thorough understanding of all relevant laws are important. Legal skills include working knowledge of criminal and constitutional laws and the rule of evidence (Lyman, 2013:2). Section 205 (3) of the South African Constitution Act 108 of 1996 stated that the police have the legal obligation to prevent, combat and investigate crime (South Africa, 1996:105).

Joubert (2018:1) states that all SAPS officials must have adequate knowledge of the South African law in order to exercise their powers lawfully. The author further stated that police officials must be able to "distinguish between incidents that give rise to criminal prosecution and those leading to civil liability". Dintwe and Zinn (2015:211) identify the three phases of investigation as preliminary investigation phase, further investigation phase and the judicial phase.

2.3.2.1   Preliminary investigation phase

Similar to Eterno and Roberson (2015:55), Monckton-Smith et.al (2013:39), Lasley et.al (2014:48) stated that a criminal investigation process begins when a crime is reported to law enforcement authorities. According to Sweeney (2017:9), investigation results from a problem or issue coming to light, either by routine audit, management audit or through information from an employee. Crime can either be reported by a citizen or the discovery of an offence by law enforcement officials. Additionally, a public complaint system will be ideal for reporting corruption activities within the DCOG.

It can further be confirmed that the DCOG does have a whistle-blowing policy which encourages officials to report suspected corruption within the department. The policy also provides officials with the opportunity to report corruption incidents directly to the SAPS if they so wish. Similar to Lyman (2013:38), Lasley et.al. (2014:50) are of the opinion that the preliminary investigation involves the collection of information and evidence that is available at the crime scene. A preliminary investigation often reveals a better understanding of facts (Van Rooyen, 2013:224).

2.3.2.2   Further investigation phase

Dintwe and Zinn (2015:211) indicate that during this phase of the investigation, all clues are followed up until a point where the investigation is finalised. The authors highlight that an investigation can only proceed formally if it is officially registered as a case. Similar to Lyman (2013:49), Lasley et.al (2014:51) views this as the follow-up investigation phase, and indicates that during this phase investigators look for additional evidence, and the follow-up investigation process continues until the case is solved or declared unresolved.

2.3.2.3   Judicial phase

According to Dintwe and Zinn (2015:250), during this phase of an investigation all evidence that has been obtained during the previous phases is presented and tested in court. Joubert (2018:262) is of the opinion that on the completion of an investigation, the investigator will submit a case docket to the Prosecutor. After studying the case docket, the Prosecutor will have to make a decision whether or not to prosecute a case.

If the Prosecutor decided not to prosecute, it becomes the responsibility of the investigator to inform the affected parties of the prosecutor's decision. The case will then be considered as finalised. The discussion herein suggests that a criminal investigation is the examination of matters relating to acts of criminality (*corruption*) with the focus of bringing those perpetrators to justice for the unlawful deeds they have committed. As described by the Constitution of South Africa, the SAPS has the legislative mandate to conduct criminal investigations. With this in mind, all corruption cases which are external to the DCOG or may lead to a criminal prosecution must be referred to the SAPS for their intervention. When asked to describe what criminal investigation is, the participants of Group A responded as follows:

> ➤ Four participants (participants numbers one, three, four and six) defined criminal investigations as those investigations conducted by the SAPS.

> ➤ Participant number two answered: "*Criminal investigation involves the collection and preserving of evidence during an investigation process*".

> ➤ Participant number five answered: "*Criminal investigation entails the obtaining of evidence during an investigation of a criminal misconduct*".

Four participants defined criminal investigations as those investigations conducted by the SAPS. Two interviewees were of the opinion that criminal investigations involve the collection and preserving of evidence during an investigation process. From the information provided by the participants, it is evident that they are not in line with the definition given by the literature consulted. The four participants (participants numbers one, three, four and six) who stated that criminal investigations are the responsibility of the SAPS, exclude other police departments and private investigators.

This is in contradiction with the opinion of Van Rooyen (2013:143) who stated that businesses and government departments also conduct internal crime investigations. Participants numbers two and five are partially in line with the definition given by the authors, as their definition still lacks the fact that criminal investigations are directed to a prosecution.

It is apparent that none of the participants are familiar with the concept criminal investigation as defined by literature.

2.3.3 Goals of investigations

According to Lasley et.al (2014:48), the goals of investigation are to establish whether or not a crime has been committed and to identify the suspects, victims and the crime scene. Van Rooyen (2013:174) is of the opinion that the goals of an investigation is to search for the truth, to gather information, evaluate data, establish causes, identify trends, make recommendations, give advice and activate the process of justice. Monckton-Smith et.al (2013:2) identify the following three objectives: to ascertain whether a crime was committed, to identify the perpetrator and to gather admissible evidence.

Dintwe and Zinn (2015:13) view the objectives of a criminal investigation as the systematic, organised search for the truth, detecting and identifying of crime, locating and identifying suspects, gathering objective and subjective evidence about an alleged incident and discovering facts or ascertain the existence of such facts. Lyman (2013:7) is in agreement with the authors and added the arresting of suspects in all crimes, recovering of stolen property and to prepare sound criminal cases for prosecution.

It is apparent that the authors have different views/opinions on what the goals of an investigations entail. However, they are all in agreement that the goals of investigation are to determine whether a crime has been committed, to identify the perpetrators of a crime, and to gather evidence. The question, "What is the goal of an investigation?" was put to the participants of both Group A and Group B. Group A responded as follows:

➢ Two participants (participants numbers one and three) stated that the goals of investigations are to establish the facts of an allegation under investigation.

➢ Participant number two answered: "*The goals of investigations are to search for the truth of the matter under investigation*".

➢ Participant number five answered: "*The goals of investigations are to find the truth of what occurred during a misconduct*".

- ➤ Participant number four answered: "*The goal of an investigation is to determine whether any wrongdoing has occurred and to bring the perpetrator to book*".

- ➤ Participant number six answered: "*Goals of investigations are to establish what actually occurred during a misconduct*".

Group B responded as follows:

- ➤ Participant number one answered: "*The goal of an investigation is to identify the elements of a crime and gather evidence to prove the elements of that crime; to submit a complete case docket for prosecution*".

- ➤ Participant number two answered: "*The goal of investigation is to identify the perpetrators of a crime (corrupter and the corruptee), to search for the unknown and to unpack what is not readily available with the intention to bring the perpetrators to court*".

The feedback received from the participants were compared with those of literature reviewed. Two participants of Group A are of the opinion that the goals of investigations are to establish the facts of an allegation under investigation. Participants numbers two and five stated that the goals of investigations are to find the truth of the matter under investigation. The other two participants are of the opinion that the goal of investigations is to determine whether any wrongdoing has occurred and to bring the perpetrator to justice.

The participants of Group B viewed the goals of investigations as: To identify the elements of a crime and gather evidence to prove the elements of the crime (identify the corrupter and corruptee in a corruption investigation). The investigator compiles a docket and submits it to the prosecutor for a court hearing. To search for the unknown. To search and unpack what is not readily available. From the viewpoint of the authors and those of the participants, it became apparent that criminal investigation has various goals or objectives. From the discussion above, it is apparent that the participants are in agreement with the literature on the goals of an investigation.

2.4   CORRUPTION INVESTIGATIONS

Mostert (2012:27) is of the opinion that financial crimes (corruption) often leave no traditional crime scenes. According to Van Rooyen (2013:192), corruption is often perceived as a victimless crime with no witnesses. The author suggests that because of this characteristics of corruption, unconventional investigation methods, such as surveillance operations, financial investigations, interviewing techniques, covert operations, etc., are often necessary during the information gathering process of an investigation. Tier (2017:125) refers to these methods as sophisticated investigative techniques. He stated that these techniques can be productive and creative to disrupt and dismantle a targeted criminal enterprise.

The researcher is of the opinion that the methods identified by Van Rooyen (2013:192) can be considered as a means of information collection technique in corruption related investigations where tactical crime intelligence techniques are applied. Information collection methods for tactical crime intelligence purposes will be discussed in more detail in the following chapter of this study. However, the opinion of Buckley (2014:104) on the legality of the intelligence gathering method is of utmost importance before considering the application thereof.

The author stated that when an intelligence gathering method has not been used lawfully, the potential that anything that was gained for the prosecution from that technique is considered as being obtained unlawfully and, therefore, inadmissible as evidence. According to Van Rooyen (2013:183), there is no universal rules for investigating corruption. Van Rooyen (2013:137) further clarifies that no two investigations follow the exact same procedures and there is no recipe that will guarantee success for all investigations. The author, however, advises to follow a clearly defined investigation process during corruption investigations.

Deloitte ([sa]:16) is in agreement and stated that, in order to do a proper investigation, it is essential to plan an investigation in the finest detail and to draft an investigation plan to mitigate the risk of overlooking crucial evidence. The researcher is of the opinion that the objectives of an investigation should be considered when conducting corruption investigations. The objective of criminal investigation, as debated under 2.3.3, will be briefly discussed.

a) Identification of a crime

As previously argued under 2.3.2, crime can be reported in various ways. Once a crime is reported and an investigator is assigned to it, it is imperative to establish the elements of such a crime. Only if the elements of corruption as deliberated under 2.2.1 are present then can such crime be classified as corruption. Section 34 of the Prevention and Combating of Corruption Activities Act 2004 (PCCA) states that it is the duty of any person who holds a position of authority who knows or suspects any corruption must report such crime to any police official (South Africa, 2004:32). According to Van Rooyen (2013:221), all public services employees are required to report corruption to an appropriate authority. Appropriate authorities include the SAPS, the HAWKS or more senior staff members.

b) Collection of evidence

Van Rooyen (2013:174) is of the opinion that the primary goal of an investigation is to search for the truth by means of identification and collection of evidence. Van Rooyen (2013:185) explains that the identification and seizure of evidence is an essential part of the evidence gathering process. Joubert (2018:403) stated that evidence comprises all the information and material submitted to the presiding officer to judge and settle a dispute. Evidence consists of oral statements, written statements, documents and objects that are produced and received in court to prove or disprove allegations.

c) Identification of suspects

Sennewald and Tsukayama (2014:213) suggested that the first of basic questions in an investigation is to establish who is responsible for a given act. Woods (2013:11) is of the opinion that the identity of a suspect is discovered in one or more of the following ways: confession, eyewitness testimony or circumstantial evidence.

i.   Confession: A confession is an excellent way of identifying the perpetrator. The author, however, warned that the defence in a court may successfully argue that a confession was made under pressure and coercion unless it can be shown to be voluntary (Woods, 2013:11).

Section 209 of the Criminal Procedure Act 51 of 1977 states that an accused may be convicted of any offence on the single evidence of a confession by such accused if such confession is confirmed in a material respect or, where the confession is not confirmed, if the offence is proved by evidence, other than such confession, to have been actually committed (South Africa, 1977:113).

ii. Eyewitness: The ideal identification consists of the testimony of a witness who is familiar with the appearance of the perpetrator and the commission of the crime under investigation (Woods, 2013:11).

iii. Circumstantial evidence: Identification may be established by proving facts or circumstances from which the identity of the perpetrator can be inferred (Woods, 2013:12).

d) Recovering of stolen property

Deloitte ([sa]:166) is of the opinion that various legal resources and procedures are available to recover victims' assets and funds from perpetrators. Section 300 of the Criminal Procedure Act 51 of 1977 stated that a court may order that the perpetrator should compensate the victim for the losses he/she incurred (South Africa, 1977:158).

e) Preparing for prosecution

Woods (2013:13) maintains that a confession and a good theory of a case are not enough, as the court requires that guilt must be proven beyond reasonable doubt. Van Rooyen (2013:183-189) indicated that information derived from investigations should be capable of supporting criminal prosecutions and assisting in the reorganisation of public administration to make these more resistant to corruption. Joubert (2018:262) suggests that investigators should comply with the rules relating to the law of evidence. Woods (2013:13) further stated that the final test of a criminal investigation is the presentation of evidence in court. Therefore, evidence should be shown in an orderly and logical manner that: a crime was committed; the suspects were identified; witnesses are competent and credible; physical evidence is appropriately identified and relevant; and the chain of custody was maintained.

According to Van Rooyen (2013:183), the preparation of major investigation should entail, amongst others, a comprehensive term of reference. Deloitte ([sa]:16) maintains that it is important to identify the parameters of the investigation. The author suggested that in order to do so an investigator has to:

- Have a clear understanding of the instructions received;

- Ensure that grey areas are resolved before initiating the investigation;

- Ensure that there is limitation to the information which is allowed to be accessed;

- Find out whether the investigator will be required to act as a witness during proceedings; and

- Find out what the timeframes and deadlines are.

Similar to Deloitte ([sa]:16), Osterburg and Ward (2014:602) advise that a comprehensive background check of the suspects should be done in order to give a composite picture of the subjects. Thereafter, interviews should be conducted with those involved (whistle-blowers, complainants and other sources). The authors further stated that the questions asked during the interviews should be short and designed to elicit a specific response. Anon [sa] recommended a 'case theory' approach to complex corruption investigations, this method consists of the following steps – analysing the available data to create a hypothesis; test it against the available facts; and amend and refine it based on additional facts until reasonably certain conclusions can be drawn.

To get a better understanding on how corruption investigations were conducted at the DCOG, the investigators were requested to explain how they approach corruption investigations. Their responses were captured as follows:

➢ Participant number one answered: "*Before an investigation starts, a clear mandate must be issued to the investigator, the mandate will give the investigator the perimeters of the investigation, those implicated will be interviewed and evidence will be collected, after the completion of the investigation a report will be drafted and handed over to the MEC for him to make a decision on the recommendations of that report*".

- Participants numbers two, three, four and five indicated that an appointment letter to investigate a certain matter must be issued to the investigating team. A preliminary investigation will be conducted and depending on the outcome of the preliminary investigation an in-depth investigation might follow. During the in-depth investigation, statements and evidence will be collected. After the completion of the investigation, a report will be submitted to the MEC for him to make a decision on the recommendations and findings of the report. All complex investigation is referred to the SAPS for their intervention.

- Participant number six answered: "*After a written instruction to investigate the allegations of corruption is received from management, the process of evidence collection and interviews starts. Statements will be taken from those implicated. After the completion of the investigation, a comprehensive report will be handed to management to make a decision on the recommendations of that report*".

These participants were further requested to explain how tactical crime intelligence should be applied during corruption investigations. They responded as follows:

- Participant number one answered: "*It must be applied lawfully and it must not infringe with the rights of an individual*".

- Participant number two answered: "*Tactical crime intelligence must be applied for the right reasons and not use with bad intention. Bad intention means to settle scores between the investigator and the perpetrator. The investigator must not infringe the rights of a perpetrator, but must comply with the legal rules of South Africa when collecting information*".

- Two participants (participants numbers three and five) provide no answer to the question and stated that they do not know how tactical intelligence should be applied in an investigation.

- Participant number four answered: "*Before applying any intelligence techniques, legal advice should be obtain. The privacy of an individual must at all times be considered*".

> Participant number six answered: "*An investigator must always keep in mind the possibility of defending the evidence in court. Therefore, they must always adhere to the laws of collecting information. If information is collected in an illegal manner, the case can be thrown out of court*".

In an attempt to establish what value intelligence may add to a corruption investigation, the question was posed to the expert participants: "Would the application of intelligence approaches to corruption investigation have a positive or negative contribution to corruption investigations?" They replied as follows:

> Participant number one answered: "*Positive contribution. The gathering of more useable intelligence may assist investigators in obtaining evidence*".

> Participant number two answered: *"Positive contribution if it is properly applied. The collection of information process must adhere to all legal requirements and processes. It should withstand the scrutiny of international laws".*

The feedback received from the participants was compared to those of literature reviewed. The majority of the participants stated that an appointment letter with clear terms of references must first be issued to the team of investigations. Thereafter, a preliminary investigation will be conducted followed by an in-depth investigation depending on what was established during the preliminary investigation. The perpetrators will be given the opportunity to react to the allegations made against them, evidence will be collected and interviews conducted.

After the completion of the investigation, an investigation report will be compiled and forwarded to the MEC for him to make a decision on the findings. All complex corruption cases are referred to the SAPS for their intervention. It became apparent from the information provided by the participants and the literature reviewed that there are no universal rules for investigating corruption as indicated by (Van Rooyen, 2013:183). However, the response of the participants of Group A to the question – how tactical crime intelligence should be applied during corruption investigations, suggests that they do not apply tactical crime intelligence techniques during investigations.

The majority of the participants of Group A (numbers one, two, four and six) as well as number two of Group B are in agreement with Buckley (2014:104) who mentioned that the legality of the intelligence gathering techniques must be considered during an investigation. Both interviewees numbers one and two of Group B confirmed that the application of intelligence approaches will have a positive contribution to corruption investigation. Two participants, numbers three and five, of Group A revealed that they have no knowledge on how tactical crime intelligence should be applied.

2.4.1 The basic steps of a corruption investigation

In a guide to combat corruption, Anon [sa] identified steps which investigators may follow during complex corruption investigations. However, these steps are general suggestions and the phases utilised might differ during each inquiry. The following is a brief discussion of each step:

a) Begin the case

This step covers the stage where the corruption complaint is brought to the investigator's attention. In the context of the DCOG, the investigation team receives written instruction to investigate the alleged corruption incident after the misconduct has been reported to management through whistle-blowing, a complaint system or any other reporting system. Anon [sa] is in agreement and stated that corruption investigations commence with complaints or reports, discovery of red flags and proactive automated fraud detection tests. The author advises that investigators should reply immediately to a complainant. This is to acknowledge the receipt of the complaint and to pursue additional information.

b) Evaluate the allegations or suspicions

Anon [sa] points out that investigations can be time-consuming, disruptive and costly. Therefore, investigators should determine whether the reported allegations are serious enough to justify an investigation. Van Rooyen (2013:223-224) agrees and added that the evaluation of the available data may result in conclusions such as:

- The offence does not justify a criminal case, but rather a disciplinary inquiry.

- The information does not require further investigation, as the information is of no concern or too general.

- The received information is of such a nature that an offence in terms of the Prevention and Combatting Corruption Activities Act can easily be formulated.

c) Conduct due diligence background checks

The researcher fully agrees with Van Rooyen (2013:315) that anonymity of ownership is normal amongst corrupt criminals. According to the author, perpetrators frequently deposit proceeds of corruption into bank accounts of family members, and register property and shares in the names of others to the same end.

Hence, it is advisable that when background screening of perpetrators are conducted, it should be comprehensive and include those of their family members and close business associates as well. In support of this, Anon [sa] advises that investigators must make use of online search engines in order to accumulate corruption related information on suspects. This is to determine whether the suspects are involved in shell companies and whether they do not live beyond their means.

d) Complete the internal stage of the investigation

Van Rooyen (2013:235) is of the opinion that many innocent people have been the victims of malicious, unfounded and offence allegations. In light of this, both Deloitte ([sa]:78) and Anon ([sa]) advise that evidence should be collected discreetly. Anon ([sa]) continues by stating that internal documents as well as interviews with both current and former employees of a company are of importance in finalising the internal phase of a corruption investigation. With reference to documents, the author is of the opinion that the facts of a case determine which documents are essential for review. Deloitte ([sa]:80) acknowledges the importance of interviewing company employees by stating that individuals have different viewpoints which might provide a very telling tale. In his argument, Anon ([sa]) refers to those employees who are not involved in the suspected wrongdoing that should be interviewed. However, the author does not elaborate why this category of witnesses should be interviewed.

The researcher accepts that the reason for interviewing them is to get a holistic picture/overview of how operations are conducted at an affected department (DCOG) and to determine whether wrongdoing did occur and if rules were broken.

e) Check for predication and get organised

According to Anon [sa], investigators should review allegations and information on hand to determine whether reasonable grounds exist in order to continue with an investigation. The author warns that if the investigator should investigate beyond the available prediction, such inquiry will appear to be punitive and without foundation. Besides, if the SAPS' assistance is required, the necessary steps need to be followed to ensure that there is sufficient probable cause to refer the case and obtain such co-operation (Anon, [sa]). Deloitte ([sa]:80) added that if a prima facie case exists, a criminal case may be registered with the SAPS. Subsequently, a judge can be approached for a search and seizure warrant in terms of Section 205 of the Criminal Procedure Act, No. 51 of 1977 to subpoena bank statements, cellular phone records, etc. The discussion above suggests that the DCOG investigators should immediately halt an inquiry if no grounds to investigate have been determined/established.

f) Begin the external investigation

This stage involves the collection of evidence from witnesses outside the Department of COGHSTA. Anon [sa] proposed that when interviews are conducted, the investigator should proceed '*up the ladder*', from the disinterested, co-operative witnesses to the initiators to co-conspirators to the suspect. They should search for evidence of gratification, which improperly influenced the action of another (corrupt COGHSTA officials). The author identifies former employees of a project, losing and excluded bidders who may have knowledge of bribes or demands from government officials, instructions from such officials to use certain agents, etc. as potential witnesses in a corruption case. This implies that during a corruption investigation, the DCOG investigators should not confine their search for evidence to internal information sources, but should include external information sources as well.

g) Prove illicit payments

Anon (2012:25) advises that a money trail should be followed to establish/determine the links between the payments made and receipt of a benefiter. In addition, the analyses of specific payments, analyses of income and expenditures, and the analyses of fraudulent financial transactions are perceived as major methods, which an investigator can employ during a financial investigation. Anon [sa] emphasises that investigators should try to prove corrupt payments either directly or circumstantially by showing that the subject displayed unexplained sudden wealth or expenditure. Additionally, the author recognises three principal ways in which investigators might prove corrupt payments, which are as follows: out from the suspected point of payment; back from the suspected point of receipt or through the co-operation of an inside witness.

h) Obtain the corporation of an inside witness

Similar to Joubert (2018:397), Anon [sa] acknowledges the importance of a witness during a corruption investigation by declaring that most corruption cases cannot be proven without the assistance of an inside witness. The author describes an inside witness as an individual who might be an honest observer, an employee who resigned from services because he/she was aware of corrupt wrongdoings and did not want to participate in it, or someone who participated in the wrongdoing.

Additionally, the investigator should guarantee confidentiality and must gather as much evidence as possible from other sources so that the insider does not feel that he/she is the only witness in the investigation. Anon (2012:27) added that co-operating witnesses usually negotiate acquittal or reduced penalties in exchange for information. From the above, it can be argued that the authors refer to informants. Informants will further be deliberated under 3.4.2.1 in the next chapter.

i) Interview the primary subject

Anon [sa] is of the opinion that the individual who received the bribe during a corrupt transaction is perceived as the primary subject. The author advice that the investigator should conduct a thorough interview with this individual and if possible record the conversation between them.

The idea is to establish/determine the role the subject fulfilled in the suspected corruption and to gather relevant financial records. It is important to also obtain a confession or a helpful admission as well as information on the subject's source of funds. Van Rooyen (2013:238) suggests that interviews should be electronically recorded, as it is the best technique to avoid false allegations made of illegal enquiry methods applied and promises made to witnesses by the investigation team. Interviews as an information collection technique will further be discussed under 3.4.2.2 in the subsequent chapter.

j)   Prepare the final report

Investigators must be mindful that corruption cases involve complex facts and terminologies. Therefore, evidence must be presented in a logical and well-organised manner to simplify and clarify the evidence to the most possible extent (Anon [sa]). In addition, Deloitte ([sa]:177-178) indicated that an inaccurate and incomplete investigation report may impact on the credibility and professionalism of the author. In light of this, the author provides basic characteristics of what a good investigation report should entail, which are as follows:

- Accurate and precise information in the report;

- The report is unambiguous and expresses clarity and meaning;

- The report reflects impartiality and objectivity;

- The report should be relevant to the subject matter; and

- The report should look good.

From the above, it is noticeable that upon completion of an inquiry, the investigators are required to draft a well-structured and comprehensive report and forward it to the decision-makers. The DCOG investigators should keep in mind that the final investigation report might end up in court. As a result, it may be scrutinised by the defence and, therefore, it is imperative that they should concentrate on the facts of the corruption case and report accordingly.

2.5   CRIME INTELLIGENCE

Crime intelligence is defined by the National Strategic Intelligence Act 39 of 1994 as "intelligence used in the prevention of crime or to conduct criminal investigations and to prepare evidence for the purpose of law enforcement and the prosecution of offenders" (South Africa, 1994:2). Section 2 (3) outlines the functions of the SAPS. In terms of this section, the function of the intelligence unit of the SAPS shall be to gather, correlate, evaluate, co-ordinate and use crime intelligence in support of the objects of the SAPS as contemplated in Section 205 (3) of the Constitution (South Africa, 1994:4).

Krause, Botha and Zinn (2015:2) caution that crime intelligence should not be confused with evidence. The authors view crime intelligence as verified crime information, which can be utilised during an investigation phase. They, however, indicated that intelligence may sometimes meet the same requirements of evidence, even though it is not the requirement for crime intelligence. In support of this, the authors clarify their argument by stating that hearsay information is not permitted as evidence in court. On the contrary, the use thereof can provide investigators with the 'missing link' in an investigation.

Ratcliffe (2016: 69) describes criminal intelligence as the end product of processes resulting from information that has been collected, analysed and evaluated in order to prevent a crime. Similarly, Buckley (2014:71) and Van Rooyen (2013:195) viewed criminal intelligence as intelligence which is directly related to criminal activities. Furthermore, Milne (2013:3) points out that the main purpose of crime intelligence is to detect and disrupt the criminal activities of offenders.

The above discussion suggests that all analyst crime related information can be regarded as criminal intelligence. The emphasis here is on 'information of a criminal nature' which went through an 'intelligence processes'. The researcher can state, by means of personal experience, that the DCOG investigators do not make use of crime intelligence during corruption investigations. Information gathered during investigations is not processed to become an intelligence product. They serve as evidence for that particular case under investigation.

This coincides with Budhram (2015:50) who alluded that most of South Africa's anti-corruption efforts are reactive. The author refers to organisations that rely on whistle-blowing and internal audits to expose corruption. He further stated that the information collected by these organisations is not synthesised. As a result, it contributes little to crime intelligence or efforts to forecast and anticipate wrongdoing. For the purpose of this study, crime intelligence refers to analysed corruption information which might assist investigators in advancing a corruption investigation at the DGOC. The process of converting information into an intelligence product is viewed as the crime intelligence process, which will be deliberated under 3.4 of the following chapter.

During the interviews, question 15 of interview schedule no.1 (as per attached Annexure A) was posed to the participants of Group A, the investigators, which was – "What is crime intelligence?" They responded as follows:

➢ Participant number one answered: "*Crime intelligence is highly skilled investigative methods used by investigative authorities such as the   South African National Defence Force (SANDF), SAPS, National Prosecuting Authority (NPA), State Security Agency (SSA) and the Directorate of Priority Crimes Investigation (HAWKS)*".

➢ Participant number two answered: "*The gathering of information by using sources such as: surveillance and undercover operations*".

➢ Participant number three answered: "C*riminal intelligence is how the SAPS conducts strategic investigation, for example undercover operations*".

➢ Participant number four answered: "C*riminal intelligence is information which was compiled, analysed and disseminated in an effort to prevent or monitor criminal activities*".

➢ Participant number five answered: "*Criminal intelligence is information about criminal activities which is analysed and disseminated*".

➢ Participant number six answered: "*criminal intelligence is the secretive manner of investigations*".

In an attempt to get a broader idea about which intelligence techniques are more appropriate for corruption investigations, question 11 of interview schedule no. 2 (as per attached Annexure B) was posed to the participants of Group B, the expert participants, which was "Name and explain types of intelligence techniques suitable for corruption investigations?" They responded as follows:

➢ Participant number one answered: "*Covert techniques, specifically signal interceptions. This deals with the gathering of email communication between people to try and obtain if there was communication between them and putting them in a certain date in a certain place. Undercover agents and whistle-blowers to assist in gathering information. Media reports and financial statements. Maltego-Software to gather information from social media*".

➢ Participant number two answered: "*There is an intelligence theory of moving from the least intrusive to the more in-depth methods of intelligence collection. Least intrusive means, such as: Conducting interviews, study documents, do a psycho analysis and social media checks (Facebook). If you cannot address your hypothesis through the least intrusive methods, then the more intrusive means might be applied (Interrogation, signal interceptions, intercepting emails, full surveillance, infiltration and penetration, etc.)*".

The feedback received from the participants was compared with the viewpoints of the literature consulted. The majority of the participants of Group A (numbers one, two, three and six) referred to the techniques of information gathering as criminal intelligence. This is in agreement with the argument of Buckley (2014:55) who postulates that the public and some law enforcement agents view intelligence as information obtained through covert tactics. Two interviewees of Group A (numbers four and five) are in agreement with Ratcliffe's (2016: 69) view on what crime intelligence entails. The responses of the participants suggest that covert information collection techniques are more suitable for a corruption investigation.

However, it is advisable that the DCOG investigators should follow the intelligence theory supplied by participant number two '*from least intrusive to more intrusive methods*'. The majority of the methods acknowledged by these participants will further be discussed in the following chapter of this study.

2.5.1 Types of crime intelligence

Krause, et.al (2015:4) states that intelligence cannot always be compartmentalised in terms of strategic, operational and tactical intelligence. According to Buckley (2014:67), when referring to intelligence as strategic intelligence and tactical intelligence gives the impression that intelligence can be separated out and put into a box. This, according to the author, is not the case. The separation thereof comes primarily from how intelligence is utilised. Similar to Krause, et.al. (2015:4), Buckley (2014:67-69) identifies three types of crime intelligence as*: tactical intelligence; strategic intelligence*; and *operational intelligence*. In addition to this, Lasley et.al (2014:196) added 'evidential' intelligence as another type of intelligence. On the other hand, both Girod (2014:205) and Van Rooyen (2013:195) identify only strategic and tactical intelligence as types of intelligence. From the above, it is evident that various types of crime intelligence exist. Tactical intelligence, strategic intelligence, evidential intelligence and operational intelligence are discussed below.

2.5.1.1   Tactical intelligence

Intelligence used for the immediate crime problem and information is gathered within a narrow timeframe (Lasley et.al. 2014:196; Girod, 2014:205). Krause, et.al. (2015:7), added that the emphasis in tactical intelligence lies on 'immediate criminal threats' and 'specific crime'. According to Ronczkowski (2012:363), tactical intelligence is about evaluated information on which immediate enforcement action can be based. Its focus is on developing an active case. Buckley (2014:68-69) points out that most law enforcement agencies are comfortable in applying tactical intelligence, and it directly relates to what the investigators on the ground are dealing with on a daily basis. Steiner (2015:44) added that at tactical level, short reports and briefings on existing threats and collection priorities are delivered to investigators.

In addition, Svendsen (2012:6) stated that intelligence product in tactical form tends to be tightly controlled by its originators and is disseminated on the most restricted basis. The researcher agrees with the authors that tactical intelligence focuses on immediate crime problems and on specific cases under investigation. Also, this type of intelligence is most frequently used by law enforcement officials. In light of the viewpoints of Lasley, et.al. (2014:196); (Girod, 2014:205); Krause, et.al. (2015:7); and Ronczkowski (2012:363), the researcher is of the belief that intelligence at tactical level will be of great value to investigations at the DCOG because information is rapidly processed and the intelligence product is supplied in a short time period of time to the investigators. Tactical crime intelligence will be discussed in more detail under point 3.3 of the following chapter.

2.5.1.2   Strategic intelligence

Strategic intelligence supports long-range planning (Girod, 2014:205). It involves the assessment of crime patterns, crime trends and criminal organisations for the purposes of planning, decision-making and the allocation of resources as well as the focused examination of crime problems (Ronczkowski, 2012:363). Furthermore, Lasley et.al. (2014:196) state that the primary goal of strategic intelligence is to develop a long-term picture of a crime problem. Krause et.al. (2015:5) are in agreement and added that the approach in strategic intelligence is to look at what previously occurred, what currently happens and thereafter makes predictions on what might probably occur in the future. It is to provide early warnings of threats and to support decision-makers in developing priorities. Buckley (2014:67) agrees with the above authors and added that intelligence at strategic level, mostly focusing on the structure of organised crime patterns in ongoing criminal activities and threats posed by criminal developments.

The discussion above suggests that strategic intelligence is mostly used at a management level, as it is directed on planning and the development of policies and plans with the goal to prevent future corruption incidents. It is evident from the above that strategic intelligence is proactive in nature. Strategic intelligence will certainly add value to investigations and most probably prevent corruption from occurring in future within the DCOG because policies and plans to prevent this evil from occurring are formulated and enforced well in advance.

2.5.1.3 Evidential intelligence

The primary goal is to gather information from known evidence that may lead to the discovery of new evidence (Lasley et.al. 2014:196). The authors identified evidential intelligence as a type of crime intelligence. Nonetheless, very little information about evidential intelligence is written. From the different consulted literature within this study, Lasley et.al. (2014:196) are the only authors who refer to this type of intelligence. Taking into consideration the viewpoints of Lasley et.al. (2014:196) with regard to the primary goal of evidential intelligence, the researcher is of the opinion that evidential intelligence can rather be regarded as an information source than a type of crime intelligence.

2.5.1.4 Operational intelligence

The focus is on large-scale criminal activities over an extended period to gather more detailed intelligence on criminal activities (Lasley et.al. 2014:196). According to Ronczkowski (2012:362), operational intelligence is developmental in nature and intelligence activities explore the developed information in order to develop a case for arrest or indictment. Moreover, according to Krause et.al. (2014:10), operational intelligence is crime information that can be used by operational staff in identifying specific and immediate trends, patterns, series, sprees and focus areas related to crime and providing investigative leads.

The authors further stated that operational intelligence is always proactive in nature and it is intended for crime prevention purposes and the operational deployment of resources and staff. In light of the above discussion, it can be argued that intelligence at operational level is directed on crime reduction as well as the development of on-going investigations. It does not necessarily focus on solving specific cases per se. Furthermore, the intelligence product will be forwarded to management who holds the decision-making power to deploy resources and staff in order to prevent corrupt activities from occurring. It is with this in mind that the researcher believes that the application of intelligence at operational level will be of great value to DCOG investigators.

The researcher supports the statement of Buckley (2014:67) that the basis of how the intelligence product is applied will determine under which intelligence type it will be classified. The discussion above suggests that the application of crime intelligence can be of great value to corruption investigations irrespective of the category (*tactical, strategic, and operational*) thereof. When asked to identify the different types of crime intelligence, the participants of Group A responded as follows:

➢ Four participants (participants numbers one, three, five and six) stated that they do not have an answer to the question.

➢ Participant number two answered: "*Covert and overt operations*".

➢ Participant number four answered: "*Open and close intelligence*".

The expert participants were requested to give a brief explanation of the different types of crime intelligence. Their responses were recorded as follows:

➢ Participant number one answered: "*Tactical crime intelligence is a short term type of intelligence. It is to identify hourly, weekly or daily crime patterns and the criminals involved and communicating the information to an analyst. Operational intelligence focus on medium term crime intelligence. Strategic intelligence focus on the long term, monthly or quarterly analyst crime patterns and report on it and give feedback upwards to higher levels in the organisation to develop better policies*".

➢ Participant number two answered: "*Tactical crime intelligence includes things like surveillance operations, application of Act 70 to a judge to listen to phone communications, etc. for a period of 30 days. Operational intelligence, includes the infiltration and penetration operations. Strategic intelligence, pre-requisite for action you either impede, advise or illuminate the thread*".

The majority of the participants of Group A (numbers one, three, five and six) indicated that they do not know the different types of crime intelligence. Two interviewees of Group A (numbers two and four) referred to the different sources of information gathering.

It is apparent from the responses received that the participants of Group A are not conversant with the different types of crime intelligence. The two participants of Group B are in agreement with the literature. Similarly, they identify three types of crime intelligence, namely tactical, operational and strategic intelligence. From the above discussion, it became apparent that tactical, operational and strategic intelligence are the most commonly known types of criminal intelligence. For the purpose of this study, tactical crime intelligence will be discussed in more detail in the subsequent chapter.

2.6   SUMMARY

This chapter explored the concept crime intelligence and investigation, and gives an overview of the different phases of a criminal investigation process. It acknowledged that four types of crime intelligence exist. It also reveals that forensic investigation and forensic science are two different concepts. Additionally, it identified the different forms of corruption and it displays the contributions made by the Northern Cape Provincial Departments in the fight against corruption. It is required from all public service individuals to report corruption allegations to appropriate authorities.

The feedback received from the participants indicates that they are well informed about the concept of corruption and the elements thereof. It is, however, imperative that all elements of corruption must be present during the commencement of the offence as indicated by (Joubert, 2018:48). Therefore, Van Rooyen (2013:2) suggests that investigators must have a thorough understanding of all relevant laws. The elements of a crime can be identified by studying and analysing the applicable statutory or common law definitions (Deloitte, [sa]:18). It has also been determined in this chapter that investigations conducted by the investigators of the DCOG are of a reactive nature. The next chapter addresses the application of tactical crime intelligence in the investigation of corruption.

CHAPTER THREE
TACTICAL CRIME INTELLIGENCE

3.1   INTRODUCTION

Van Rooyen (2013:192) points out that conventional investigation methods may not be adequate to fight corruption. The author proposes that unconventional investigation methods should be adopted, such as surveillance operations, financial investigations, interviewing techniques and other covert operations. Budhram (2015:54) agrees and added that law enforcement authorities might combat corruption by adopting an intelligence-led approach. Van Rooyen (2013:214) maintains that intelligence can be a powerful weapon available to investigators who conduct corruption investigation. The author points out that before intelligence can have a consistent and valuable role in the investigation of crime, it must be properly implemented and utilised. The author states that one of the keys to this is to fully understand the intelligence process.

This chapter will focus on the study's research objective and question number two which is "What are the tactical crime intelligence techniques that contribute to the successful convictions of corruption in the Department of Co-operative Governance (DCOG)?" The following aspects will be discussed in order to give an overview of criminal intelligence – tactical crime intelligence, the difference between information and intelligence as well as the crime intelligence process. Tactical crime intelligence techniques, such as interviewing and interrogation, financial information, surveillance and infiltration operations are also deliberated.

This section further discusses the legislative requirement for applying invasive information collection tactics and the participants' responses to the interview schedule are also addressed. Two different groups were interviewed, namely: Group A, which consisted of six investigators of the DCOG and Group B, which consisted of two expert participants who have years of experience on this research topic.

The two expert participants of this study are – one is a retired senior manager from the Department of State Security Agencies (SSA) in Kimberley and the other is a manager from the Financial Intelligence Centre (FIC) in Centurion (Gauteng Province). This chapter focus on questions asked in section C of the interview schedules No. 1 and 2 (see Annexures: A & B). Annexure A consists of a set of questions posed to the DCOG investigators and Annexure B consists of a set of questions posed to the two expert participants.

3.2   DIFFERENCE BETWEEN INFORMATION AND INTELLIGENCE

Buckley (2014:50) states we cannot speak a language unless we know the meaning of each word we are using. Ronczkowski (2012: xviii), as well as Buckley (2014:50), points out that intelligence professionals should never use the words intelligence and information interchangeable because they are not the same. Buckley (2014:55) further states that there is a common myth held by both the public and by some law enforcement agents, that intelligence refers to the covert tactics use to gather information and the material obtained through traditional policing methods are referred to as information. The difference between information and intelligence are discussed below.

3.2.1 Information

Similar to Ronczkowski (2012:357), the United Nations Office on Drugs and Crime (UNODC) (2011:1) defines information as pieces of raw, unanalysed data that identifies persons, organisations, evidence and events or illustrates processes that indicate the occurrence of a criminal event. Buckley (2014:58) is of the opinion that information can come in any form or originate in any way, and comprises what is collected by the agencies. In addition, Van Rooyen (2013:193) defines information as unevaluated written or oral reports or documents telling of an event that is received by the intelligence services from a source of information. Ronczkowski (2012:94) states that information is endless in terms of quantity and there are no limitations to resources that can create information. According to Woods (2013:6), the word 'information' is used to describe the knowledge the investigator gathers from others.

Similar to Van Rooyen (2013:192), the author maintains that information is the basis of any investigation. This is further supported by Lyman (2013:116), who stated that information gathering is a regular part of a police officer's responsibility. According to Buckley (2014:51), 'information used for intelligence purpose' is a term used to describe any material communicated in any medium to intelligence agencies. The author highlights that the term may include knowledge passed from any person to the agency, visual and auditory media, facts and records, opinions expressed as well as the interpretation of events by relevant parties.

The researcher concurs with the authors and, therefore, holds the opinion that in the context of corruption investigations at the DCOG, information is unevaluated/unanalysed data which investigators gather from information sources and that this remains information until processed by an analyst. Section 32 of the Constitution of the Republic of South Africa stipulates that everyone has the right of access to any information held by the State or another person (South Africa, 1996). The Promotion of Access to Information Act 2000 (PAIA) inspires a culture of transparency and accountability within both public institutions and in the private sector (South Africa, 2000).

In addition, the Public Service Commission (PSC) Section 14 Manual (2020/2021:1) points out that it is expected from public services and private institutions to create guidebooks which describe the type of records they hold and the procedures which need to followed to gain access to this information. The organisation further alerts that the PAIA sets limitations on the type of information that may be accessible and the circumstances when the requested information may not be granted. Section 1 of the PAIA nominated the accounting officer of a Public Body as the information officers. Therefore, it is the prerogative of the accounting officer to provide a requester access to information held by the State provided that the requester complies with procedural requirements, as prescribed in the PAIA (South Africa, 2000). Chapter 4 of the PAIA deals with grounds for refusal of access to information. In terms of records held by the COGHSTA, the HOD is designated as the information officer of the department.

In light of the above discussion, the researcher is of the opinion that during the corruption investigations at the DCOG, the investigating team may apply for information held by any public body or private sector. The accounting officer of the requested office may not refuse access to information if the investigation team complies with all the procedural requirements as set out in the PAIA. Below is the feedback from participants, which relates to their understanding of information. During the interviews, question 14 of interview schedule no.1 (as per attached Annexure A) was posed to the participants of Group A, the investigators, which was – "Explain the difference between information and intelligence". They responded as follows:

- Participant number one answered: "*Information is knowledge about criminal activities which is reported to law enforcement agencies".*

- Participant number two answered: "*Information can be picked up through sources that are freely available to the public*".

- Participant number three answered: "*Any written, verbal communication is information".*

- Participant number four answered: "*Knowledge which is communicated to an investigator about a particular fact is information*".

- Participant number five answered: "*Information is collected in an open way*".

- Participant number six answered: "*Information is knowledge which is communicated to an investigator*".

The feedback received from the participants were compared with those of the literature reviewed. Four participants (numbers one, three, four and six) defined information as knowledge about criminal activities, which is communicated to an investigator. The opinions of the interviewees are in agreement with the definition provided by Buckley (2014:51) who describes 'any communicated material' to investigators as information. Two participants (numbers two and five) defined information as data which is collected through overt collection tactics. The viewpoints of these interviewees are not in line with those of the literature consulted.

However, Buckley (2014:55) points out that there is a popular belief that information which is collected through traditional policing methods are viewed/regarded as information.

3.2.1.1 Sources of information

A source of information is the actual origin from which information is obtained (Van Rooyen, 2013:192). Ronczkowski (2012:121) is more specific and describes a source as a person who supplies information of an investigative nature to law enforcement personnel. In addition to this, Girod (2015:62) referred to information sources as the records, databases and documentary sources of information that provide pieces of a puzzle. Similarly, Van Rooyen (2013:197) stated that the gathered information must fill the gaps of the puzzle (*investigation*). Therefore, investigators cannot just go about and collect information in a disorganised manner. The author suggests that investigators must develop a database of information sources, outlining the type of information that can be obtained from each source and the legal implications thereof. Krause et.al. (2015:12) recognise two types of information sources as open-sources and closed-sources. The following discussions focus on the types of data sources, as indicated by (Krause, et.al. 2015:12).

3.2.1.1.1   Open-sources of information

Similar to Mashiloane (2014:53), Krause, et.al. (2015:13) and Buckley (2014:380) describe open-source information as information that is freely available to the public, such as media publications, academic and professional journals, government reports, all information available through the internet, technical manuals, interviews and books. Van Rooyen (2013:202) is in agreement and added that these sources usually hold no evidential value by themselves and an extensive search through a huge amount of data is required to find something of value. Furthermore, Ronczkowski (2012:359) stated that open-source information does not require any legal processes or any covert information collection techniques. The UNODC (2011:12) is in agreement and warns that these types of sources can frequently be biased, inaccurate or sensationalised.

Buckley (2014:381) further states that law enforcement agencies have the perception that, because data about individuals are readily accessible through these information strategies, they are entitled to seek and retain that material. The author continues that this is not the case because citizens have the right to privacy. He added that whether the records are in the public domain or not, it may in some jurisdictions require some form of authorisation. The researcher agrees with the author and holds the view that DCOG investigators must always adhere to legislative requirements during information collection. In addition to this, Nek (2019:47) stated that the privacy right of individuals must always be respected, any personal information must be protected and without prior written permission, no disclosure of such material should be allowed.

However, Buckley (2014:386) maintains that open-source collection is an effective method of data collection which can be used for intelligence. It is evident from the above discussion that a variety of open-sources of information exist. The DCOG investigators have at their disposal some information strategies which might be useful during corruption investigations and are, amongst others, suspects and witnesses, unclassified departmental information, internal communications, internet, personnel details, etc. The above discussion suggests that open-source information is freely available for investigators. However, authorisation to gather information, as pointed out by Buckley (2014:381), is recommended.

3.2.1.1.2   Closed-sources of information

Buckley (2014:387) describes closed-source information as information that is not available through open enquiry, but kept in either government or privately managed databases. The author further provides the following as examples: banking records, medical records, vehicle ownership details, insurance records, travel documents, etc. Mashiloane (2014:54) labels closed-source information as classified information which is forbidden for public consumption and general distribution. Furthermore, according to Krause et.al. (2015:13), these information sources are restricted to internal use by entities and organisations and are not usually accessible by the general public. Closed-source is information collected for a specific purpose with limited access and availability to the general public (UNODC, 2011:12).

In addition, Buckley (2014:388) is of the opinion that in order for investigators to legally obtain closed-source information, there needs to be a written agreement between the investigator and the government or private body as to how this material will be exchanged. This, according to the author, will negate the risk of investigators to obtain the information for personal benefit. The researcher concurs with the author and believes that a legal agreement will compel DCOG investigators to adhere to the requirements as set out in the agreement between them and the party from where information will be sourced. The agreement might serve as proof that information collectors have the necessary authority to collect the data, they did not over step their boundaries and the material was obtained ethically, legally and with the required approval.

Krause, et.al. (2015:13) refer to a partnership policing, where private businesses, security companies, etc. enter into an agreement with the SAPS. The authors states that within the parameters of this partnership, crime information/intelligence is shared for crime prevention purposes. The discussion above suggests that closed-sources have some kind of protection/security. Therefore, prior authorisation is a pre-requisite for the lawful acquiring of information from such source. Some closed-source information, which might assist investigators at the DCOG with corruption related data, are amongst others Closed Circuit Televisions (CCTV) footages, biometric access control reports, classified reports, email communications, financial records, Human Resources records, etc.

It is evident from the discussion herein that information sources are the origin from where data can be obtained, which can be collected either through open-sources or closed-sources or a combination thereof. With this in mind, it is preliminarily concluded that both information sources will have a positive contribution towards solving corruption cases at the DCOG. During the interviews, question 19 of interview schedule no.1 (as per attached Annexure A) was posed to the participants of Group A, the investigators, which was "Name the different sources of information gathering". They responded as follows:

➢ Participant number one answered: "*Human sources, documentary source, internet, etc.*"

➢ Participant number two answered: "*Interviews, CCTV footages, media statements, etc."*

➢ Three participants (participants numbers three, four and six) referred to open- and closed-sources as sources of information gathering.

➢ Participant number five answered: "*Diaries, letters, original documents, research articles and case studies".*

During the interviews, question 10 of interview schedule no. 2 (as per attached Annexure B) was posed to the participants of Group B, the expert participants which was "Name the different sources of information gathering". They responded as follows:

➢ Participant number one answered: "*Source of information is either open- or closed-source".*

➢ Participant number two answered: "*Open-source, it is believed that 95% of information is from overt sources, such as: newspapers, seminars, internet, research papers, conversances, etc. Closed-source, only 5 % of information comes from covert source, such as human sources, tactical source".*

The feedback received from the participants was compared with those of literature reviewed. Three interviewees of Group A (numbers three, four and six) and the two participants of Group B are in agreement with Krause, et.al. (2015:12) who classified sources of information as closed- and open-source information. The remainder of the participants of Group A (numbers one, two and five) are more specific and provided different types of open-source information. The researcher is of the opinion that the interviewees have a good understanding of the different types of information sources available for collecting data, and are in support of Ronczkowski (2012:94) who states that information is endless in terms of quantity and there are no limitations to resources that can create information.
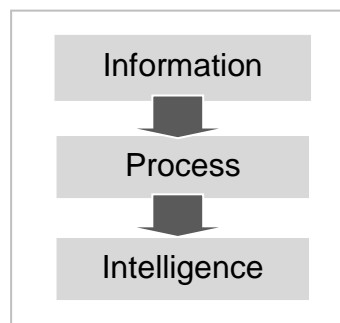
3.2.2 Intelligence

Intelligence is defined as information which has been analysed by a competent analyst. The analyst provides investigators with assessments of what based on the analysis is likely to occur in the future (Ronczkowski, 2012: xviii).

Buckley (2014:28) cites that there is an increased pressure on law enforcement to prevent crimes from occurring, but if that is not possible, it is expected of them to catch perpetrators and hold them accountable for their crimes. He further identifies an intelligence-led policing strategy as one of three policing strategies to police effectively. Intelligence-led policing is described as the dynamic use of intelligence to guide law enforcement activities to targets, commodities or threats for both tactical responses and strategic decision-making responses (Ronczkowski, 2012:358).

In addition, Budhram (2015:50) refers to intelligence-led policing as an information-organising process that allows law enforcement agencies to have a better understanding of crime problems and allowing them to make informed decisions on how to approach such crime challenges. According to (Ronczkowski, 2012: xviii), without information there can be no analysis, and without analysis there can be no intelligence. Similarly, the UNODC (2011:1) views intelligence as the value-added product that results from the analysis of information.

Bila (2018:303), Van Rooyen (2013:193) and Buckley (2014:58) are in agreement and stated that intelligence is a product of analysed information through an agreed process, which is created for the purpose of assisting in crime prevention and for the purpose of national security. Bila (2018:303) added that information and the processing of it may lead to intelligence planning. Buckley (2014:58), continues and stated that intelligence is not what is collected, but rather what is produced after the information is processed. To support his statement, the author provides the following information-to-intelligence illustration:

Figure 3. 1: Intelligence illustration

(Source: Buckley, 2014:58)

Krause, et.al. (2015:1) are in agreement with the authors and stated that intelligence is the outcome of processed crime information. In addition, Van Rooyen (2013:193), points out that intelligence which has not been acted upon remains information. Furthermore, Milne (2013:1) maintains that intelligence should give improved results and fresh leads into new areas of investigation. Masiloane (2014:52), on the other hand, points out that raw information, which has not been analysed, cannot be labelled as intelligence.

The above discussion suggests that the collected data remains information until processed and the transformed material can only be viewed as an intelligence product after the processing thereof. This implies that investigators who deal with corruption investigations at the DCOG cannot claim to gather intelligence from information sources unless that information was processed by an analyst. The researcher is in agreement with Buckley (2014:55) who points out that a misconception about what intelligence entails exist, while some individuals view intelligence as the information gathered through covert tactics.

During the interviews, question 14 of interview schedule no.1 (as per attached Annexure A) was posed to the participants of Group A, the investigators, which was "Explain the difference between information and intelligence". With reference to 'intelligence', they responded as follows:

- ➢ Participant number one answered: "*Intelligence is the process of verifying and analysing of information*".

- ➢ Participant number two answered: "*Intelligence is the gathering and analysis of information and the end result becomes intelligence*".

- ➢ Participant number three answered: "*Intelligence is when information is analysed it becomes intelligence".*

- ➢ Participant number four answered: "*Intelligence is information which is not freely available to the public*".

- ➢ Participant number five answered: "*Intelligence is collected in a secretive manner*".

- ➢ Participant number six answered: "*Intelligence is analysed information*".

The feedback received from the participants was compared with those of the literature reviewed. The majority of the participants of Group A (participants numbers one, two, three and six) referred to intelligence as analysed information. These viewpoints are in line with those of the literature consulted. Two participants of Group A (participants numbers four and five) referred to intelligence as information which is collected through covert collection tactics. This is in contradiction with the viewpoint of the literature consulted. It, however, coincides with Buckley (2014:55) who points out that the public and some law enforcement agents view intelligence as information obtained through covert tactics.

From the literature consulted and the feedback received from the participants, it can be concluded that information is the raw data which is communicated to an investigator by an information source. Intelligence, on the other hand, can be regarded as the results of the analysed information. It is evident from the responses of the participants that they are cognisant of the fact that a distinction between information and intelligence does exist.

3.3   TACTICAL CRIME INTELLIGENCE

In the preceding chapter, tactical crime intelligence was found to be one of four types of crime intelligence. Chapter two described tactical crime intelligence as verified crime information which is intended to assist operational staff. In the context of corruption investigations at the DCOG, tactical crime intelligence can be viewed as the intelligence product which is meant to assist the investigators on the ground during the furtherance of a corruption investigation. Svendsen (2012:6) points out that tactical intelligence figures as the most actionable and operationally viable intelligence.

According to Lyman (2013:118), tactical intelligence provides the police agencies with specifics about individuals, organisations and different types of criminal activities. Tactical crime intelligence addresses the "who" and "how" aspects of a crime and consists of information related to names, surnames, addresses, occupations, criminal associates, and so forth (Krause et.al, 2015:7). The authors further indicates that tactical intelligence is mostly concerned with the collection of facts to form a profile of a target with the view to investigate which is focused on prosecution.

Furthermore, the authors point out that tactical crime intelligence is aimed at identifying specific and immediate crime threats, and serves to identify prominent features, such as criminal groups, contact points and methods of communication (Krause et.al, 2015:8). From the above, it can be argued that tactical crime intelligence will enable investigators at the DCOG to identify perpetrators of corruption activities, establish their modus operandi and disrupt their criminal activities from occurring. In simple terms, intelligence at a tactical level will give investigators at the DCOG the advantage of implementing counter-measures well in advance.

In addition, Buckley (2014:69) stated that the focus of tactical intelligence is on specific criminal groups or individual or specific criminal activities. The author further explains that tactical intelligence relates to rapid evolving situations where the information received is processed and acted upon within minutes. He stated that a tactical intelligence requirement often concentrates on providing means to control risk in the short term. Fitzgerald (2015:283) is in agreement and added that the information gathered through tactical intelligence can be used immediately by operational units for investigation purposes. It can assist in planning tactical operations and may provide safety to police officers.

Similar to Buckley (2014:69), Krause et.al (2015:8) stated that tactical crime intelligence can be proactive or reactive in nature. As clarified by Krause, et.al (2015:8), proactive tactical crime intelligence focuses on crime that is still to be committed. Reactive crime intelligence, on the other hand, focuses on information on crimes that has already occurred. The authors further identify two goals of tactical crime intelligence, as:

- Primary goal – the focus is to prevent an incident from occurring; and
- Secondary goal – the focus is to detect perpetrators and wrongdoers.

To support their argument, the authors provide the following example, amongst others. An insurance assessor demands and receives kickbacks from clients who fraudulently claim from the insurer. To meet the prevention goal, techniques such as covert sting operations are implemented. The arrest of the insurance assessor during the sting operations is an indication that the detection goals were met (Krause et.al, 2015:7).

It is evident from the above discussion that tactical crime intelligence is case-specific driven and focuses on short-term achievements of the investigators. In other words, the tactical intelligence product is produced to assist investigators to solve a specific case under investigation and it can be used immediately by the investigator. The emphasis here is on '*immediately*' available in support of an investigation, which will ultimately lead to a prosecution.

Tactical intelligence products may include particulars of the suspects under investigation, such as names, surnames, addresses, occupations, criminal affiliates of perpetrators, etc. In light of this, investigators at the DCOG will find the application of tactical intelligence useful in solving a specific corruption case under investigation. Furthermore, the researcher agree with Buckley (2014:69) and Krause et.al (2015:8) and as a result hold the opinion that tactical intelligence can be both reactively and proactively applied during a corruption investigation.

3.3.1 Tactical crime intelligence techniques

With reference to the application of crime intelligence in both active and reactive policing, Bila (2018:300) stated that the high rates of organised crime require law enforcement officials who has the responsibility of combating these evils to apply advanced methods and techniques. However, Buckley (2014:399) points out that criminals put as many obstacles in place to prevent law enforcement from penetrating their organisations. He stated that the more sophisticated organised groups are the greater number of hurdles law enforcement will have to cross to attain the information they desired.

Additionally, Van Rooyen (2013:192) cites that some crimes are usually committed in secrecy and disclosing the commission thereof is unlikely. In light of this, the author recommends that special investigation methods, such as undercover operations, financial investigations, interviewing techniques and other covert operations must be considered. The author highlights that the purpose of applying these techniques is on information gathering. From the above statement, it can be argued that in the absence of special investigation techniques some corruption incidents at the DCOG remain undetected or unresolved.

This is an indication that the application of tactical crime intelligence techniques might be crucial in detecting corruption at the DCOG. Despite detecting unlawful activities, these techniques may result in recovering undisputable information which will be significant to the success of a corruption investigation in the DCOG. However, Congram, Bell and Lauchs (2013:60) are of the belief that information collection techniques applied in investigations depend on whether or not the corrupt activity has stopped or is continuing. To clarify their argument, the authors provide the following example – Surveillance and telephone interception would have little use in investigating past incidents.

The researcher, however, holds the opinion that regardless of reactive or proactive investigations, the techniques identified in the example of the authors can produce important information about how corrupt activities unfolded. Tier (2017:61) identifies interviewing, gathering of evidence, reviewing of records, etc. as basic intelligence collection techniques which are available to an investigator for the gathering of information. The author stated that the data collected through these techniques will allow investigators to outline the organisational chart of a criminal group, identify their patterns of criminal activities, and identify their vulnerabilities and financial structure.

Tier (2017:41) further pinpoints undercover operations and communication intercepts as 'sophisticated investigative techniques' which can be productive to dismantle criminal groups. In addition, Ronczkowski (2012:218) identifies the following traditional investigative techniques which investigators may apply to gather information. They are as follows: physical surveillance; search warrant; cultivation of witnesses; analysis of telephone records; analysis of financial records; and pen registers and pole cameras. Furthermore, Buckley (2014:181-182) recognises surveillance, interception of telecommunications, telephone records, listening devices, human resources and undercover operations as techniques of information gathering. It is apparent that the majority of these methods are of an invasive nature. Nevertheless, the secret investigation of corrupt individuals and monitoring of their activities using these data collection methods will definitely reveal material of intelligence value, which under normal circumstances might not be detected.

Buckley (2014:104), however, stated that when intelligence techniques are applied in an investigation, the legality of those techniques must be considered. The author further highlights that the unlawful application thereof will result in anything that was gained from this intelligence gathering method being considered as being obtained unlawfully and ultimately regarded inadmissible as evidence in a prosecution. It is noticeable from the above discussion that various information gathering techniques exist. The researcher is of the view that the lists of information collection techniques herein identified are not exhaustive lists of techniques. Nonetheless, these techniques will certainly generate a huge volume of corruption information if properly applied by DCOG investigators.

As a result, it can preliminary be concluded that the techniques herein identified will be beneficial in resolving corruption cases in the DCOG. For the purpose of this study, under point 3.4.2 information collection methods, such as interviewing and interrogation, financial information, physical surveillance, electronic surveillance and infiltration, will be briefly discussed. The researcher strongly agrees with Buckley (2014:104) and proposed that DCOG investigators should equip themselves with the legislative requirements of the different information collection techniques. During the interviews, question 20 of interview schedule no.1 (as per attached Annexure A) the participants of Group A, the investigators, were asked to give three types of tactical crime intelligence techniques available for corruption investigation. They responded as follows:

> Participant number one answered: "*Whistle-blowers, surveillance and undercover work*".

> Participant number two answered: "*Surveillance, spies and bugs*".

> Participant number three answered: "*Undercover operations, informants and electronic recording devices*".

> Participant number four answered: "*Undercover operations, whistle-blowing and telephone bugs*".

> Participant number five answered: "*Phone bugging, surveillance operations and informers*".

➤ Participant number six answered: "*Spies, police informers and the bugging of telephone lines*".

The feedback received from the participants was compared with the viewpoints of the literature consulted. From the information provided by the participants, it is evident that they have a good understanding of the various information collection techniques available to an investigator. The majority of the participants of Group A identified undercover operations, informants and surveillance operations as suitable techniques for corruption investigation. The researcher holds the opinion that the information collection techniques pointed out by the participants of Group A of this study are those techniques which contributed to previous successes of corruption investigations at the DCOG.

However, it can certainly be stated that information collection techniques are not limited to the techniques identified by the participants of this study. There are numerous other information collection methods suitable for corruption investigations which investigators of the DCOG can consider. Techniques such as a public complaint system, telephone hotlines, trash covers, previous investigations, cellular phone records, etc. are just some methods from which information can be gathered. The researcher observed that the reason why the interviewees of Group A only identified '*whistle-blowing', 'undercover operations', 'phone bugging', 'surveillance', 'informants' and 'electronic devices*' as types of information gathering techniques could be ascribed to a lack of knowledge and training in the field of intelligence.

3.3.2 Legal requirements for applying intrusive information collection techniques

Buckley (2014:388) mentions that the majority of countries have strict privacy laws relating to the disclosure of individuals' records. In addition, Buckley (2014:87-88) further emphasises that there should be a policy in place for each type of clandestine activity. The author identifies five steps that should be adhered to in all information gathering activities. They are:

1. *Legal basis* – There should be legislation that permits the agency to carry out the activity that engages the privacy of citizens.

In other words, citizens are given fair warnings as to when and how their expectation to privacy will be reduced.

2. *Legitimate reason* – The State cannot act in a haphazard manner; activities should be carried out for legitimate reasons.

3. *Necessary* – Investigators must provide proof that they have no option but to take this path of action. They must also show that the less-intrusive actions were taken and had failed or were likely to fail.

4. *Proportionality* – The severity of the techniques that the investigator engages in must be equivalent to the severity of the crime being investigated.

5. *Accountability* – Investigators take full accountability for reasons why they engage in individuals' rights. There must be a comprehensive record of everything investigators have done in relation to the engagement of the privacy of the individual (Buckley, 2014:88-89).

According to Section 14 of the Constitution of the Republic of South Africa 108 of 1996, everyone has the right to privacy, which includes the right not to have:

a) their person or home searched;

b) their property searched;

c) their possessions seized; or

d) the privacy of their communications infringed (South Africa, 1996:7).

Furthermore, Deloitte ([sa]:83) explains that the right to privacy in the workplace extends and protects the right to physical privacy and the privacy of personal data which the employer may have access to by way of the employment relationship. Therefore, the employer is obliged not to divulge to outsiders any personal information about an employee. However, Deloitte ([sa]:84) argues that if an employee has been informed by means of policies and other communications from the employer, that e-mails and internet communications made from the workplace are not regarded as private, it could be debated that the employee cannot maintain a reasonable subjective expectation of privacy in this regard.

In support of this, Krause, et.al. (2015:17) mentioned that although employees have individual passwords to access company systems, these systems belong to the company and the content of e-mail communications are legally accessible by management, including investigators. Furthermore, the Regulation of Interception of Communications and Provision of Communication-Related Information Act (RICPCRA) 70 of 2002 regulates the interception of communications, the monitoring of certain signals and radio frequency spectrums and the provision of certain communication-related information (South Africa, 2002:1).

Section 16 of the RICPCRA No. 70 of 2002 addresses the application for, and issuing of, interception direction. Section 16 (5) states, amongst others: An interception direction may only be issued if the designated judge concerned is satisfied, on the facts alleged in the application concerned, that –

a) There are reasonable grounds to believe that:
   i. a serious offence has been or is being or will probably be committed;
   ii. the gathering of information concerning an actual threat to the public health or safety, national security or compelling national economic interests of the Republic is necessary;
   iii. the gathering of information concerning a potential threat to the public health or safety or national security of the Republic is necessary;

b) There are reasonable grounds to believe that:
   i. the interception of particular communication concerning the relevant ground referred to in paragraph (a) will be obtained by means of such an interception direction; and
   ii. that the facilities from which, or the place at which, the communications are to be intercepted are being used, or are about to be used, in connection with the relevant ground referred to in paragraph (a) are commonly used by the person or customer in respect of whom the application for issuing of an interception direction is made; and

c) Other investigative procedures have been applied and have failed to produce the required evidence or reasonably appear to be unlikely to succeed if applied or are likely to be too dangerous to apply in order to obtain the required evidence and that the offence, therefore, cannot adequately be investigated.

Also, the information, therefore, cannot adequately be obtained, in another appropriate manner (South Africa, 2002:23-24). Section 49 of RICPCRA further states that any person who unlawfully intercepts a communication is guilty of an offence (South Africa, 2002:56).

Krause, et.al (2015:80) further highlight the importance of legally collecting information intended for financial investigation purposes. The authors detailed that information must be collected either with the consent of the subject under investigation or by a court order or search warrant (J50) or through a Section 205 subpoena. As discussed under point 3.4.2.1 (d), it is advised by Van Rooyen (2013:330) that, when needed, the investigators must request the SAPS to obtain such subpoena. Deloitte ([sa]:25) cautions that if investigators fail to comply with applicable laws concerning the investigation of a crime, it will have serious consequences.

It is evident from the above discussion that information collection for tactical crime intelligence purposes must be obtained in a legal and ethical manner. As a result, the researcher is of the opinion that the steps on information gathering activities as identified by Buckley (2014:88-89) must be adhered to. Furthermore, the principles of the Constitution of the Republic of South Africa 108 of 1996 is of utmost importance and should be abided to by the investigators of the DCOG. It is noticeable from the discussion herein that the Act 70 application approval is a prerequisite for the legal interception of communications. In other words, before investigators at the DCOG attempt to use an electronic surveillance information collection technique during a corruption investigation, permission to employ this method must be obtained by a judge.

In an attempt to establish what the legislative requirements for intrusive information collection techniques are, the following question was posed to the expert participants, Group B – "What are the legal requirements for the application of intrusive information collection techniques?" They answered as follows:

> ➢ Participant number one answered: "*You cannot infringe on a person's personal rights unless you obtain the permission from a judge.*

You need to convince the judge to grant you an order to make use of intrusive methods of data collection. Only if the permission is granted then the intrusive methods of data collection will be considered legally.

➢ Participant number two answered: "*The approval of application is the legal requirement for the use of intrusive methods. Act 70 may only be approved by a judge, this will allow you to collect intelligence legally.*

It is noticeable that the literature and the participants of Group B are in agreement with the legal requirement of information collection techniques. Both literature and the interviewees of Group B suggest that a judge approval is a prerequisite for the application of intercepting communications. The researcher supports the earlier suggestion made by participant number two of Group B who advises that the least intrusive methods of information collection should first be exhausted before moving to the more intrusive methods. In light of this, it is preliminary proposed that the investigators of the DCOG must first acquire legal advice before initiating any intelligence-led approach to investigations.

3.4   THE CRIME INTELLIGENCE PROCESS

Ronczkowski (2012:105) is of the opinion that the steps in intelligence cycle is used to transform raw data into finished intelligence product. Lyman (2013:119) suggests that the intelligence process should be thought of as a process of connecting a series of interrelated components of information. Similarly, Krause, et.al. (2015:12) refer to the crime intelligence cycle as the crime intelligence process where raw information is processed to become crime intelligence. Bila (2018:303) is more specific and stated that intelligence is the process by which specific types (*corruption*) of crime information are processed, requested, collected, analysed and provided to policy makers.

Buckley (2014:150) points out that many versions of the intelligence cycle exist. The author provides the following steps of the intelligence cycle: (1) direction, (2) collation, (3) analysis, (4) dissemination and (5) review and feedback. Krause, et.al. (2015:15) categorise the following steps: (1) collection; (2) collation; (3) analysis; (4) dissemination and (5) feedback.

Ronczkowski (2012:105), on the other hand, is of the opinion that the intelligence cycle consists of (1) planning and direction, (2) collection, (3) processing, (4) analysis and production, and (5) dissemination. The intelligence process, as identified by Ronczkowski (2012:105), is discussed below in detail.

Processing
3

Analysis and production
4

The intelligence cycle

Collection
2

Dissemination
5

Planning and direction
1
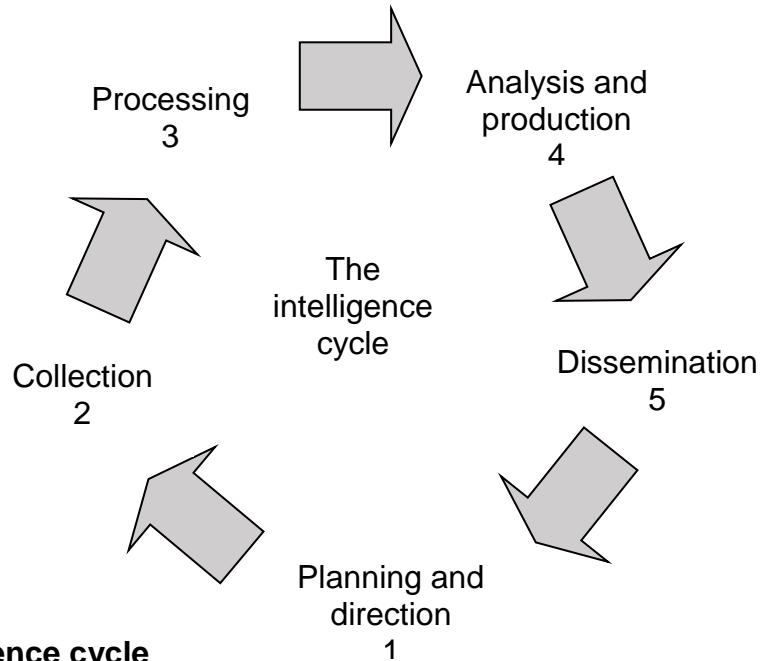
Figure 3.2: The intelligence cycle

(Source: Ronczkowski, 2012:105)

3.4.1 Planning and direction

Buckley (2014:151) is of the opinion that during this phase of the intelligence cycle, direction is given as to what needs to be collected. According to UNODC (2011:10), the intelligence analysis is driven by the client's need, i.e. consumers of the analytical product. In his research, Bila (2015:160) recommends that the intelligence cycle should start with the intelligence needs because it directs the type of information which will be required for collection.

Bila (2018:304) stated that intelligence collection should be planned, the information collection methods co-ordinated and its guidelines should prohibit illegal methods of information collection. He further cautions that inaccurate information collection efforts may result in flawed results. In addition, Buckley (2014:162) defines intelligence requirement as a statement which clearly lists the matters on which an agency has decided that they want to obtain – either more intelligence or specific intelligence.

The author advises that the intelligence requirements should be discussed with the intelligence client and it should be put in writing before the commencement of the operation. The reason for this includes, amongst others:

- Collectors needs to know what resources to deploy;

- Parties need to be aware of the parameters regarding the techniques they apply; and

- Parties need to agree on the goal of the intelligence gathering operation (Buckley, 2014:163).

In the context of corruption investigation at the Department of COGHSTA, the investigators who register their need for a tactical crime intelligence product will most probably be regarded as the consumers of the analytical product. During this phase of the intelligence cycle, the investigating team of the DCOG performing as the information collectors will be expected to work closely with the analyst to ensure that the intelligence requirements are clearly defined and understood by both parties. A decision on which information collection methods and the role-players in the collection of information will also be addressed and decided upon during this phase.

3.4.2 Collection

Buckley (2014:20) points out that the various information gathering processes must produce sufficient numbers of the right dots to create a picture and only then will the intelligence system be capable of accurately linking those dots together. Van Rooyen (2013:215) maintains that the collection of data is the most important function of the intelligence cycle. The author defines collection of data as the act of gathering information that will be used to produce an intelligence product. Krause et.al. (2015:15-17) defined collection as the planned, systematic and continuous process of information gathering. They further view this stage as a crucial stage of the intelligence cycle and point out that insufficient and poor quality intelligence will lead to a weak foundation of uncovering criminal activities. According to Lasley et.al. (2014:199), the collection phase involves the gathering of raw data.

Girod (2014:17-185) recognises the following information collection platforms, namely Human Intelligence (HUMINT), Signals Intelligence (SIGINT), Imagery Intelligence (IMINT), Measurement and Signatures Intelligence (MASINT) and Open-source intelligence (OSINT). Masiloane (2014:70) added that the product of these collection activities is forwarded to the intelligence analyst who is tasked to convert raw data into an intelligence product. A discussion on each of the information collection platforms as acknowledged by Girod (2014:17-185) are as follows:

i. Human Intelligence

Fitzgerald (2015:1) points out that human intelligence sources are considered as the 'crown jewels' of an intelligence community. Ronczkowski (2012:7) describes HUMINT as the oldest form of intelligence. It comprises the study and analysis based on information received from human sources. Furthermore, Ronczkowski (2012:94) identifies human source as the best source of information gathering. HUMINT is intelligence gathering by means of interpersonal contact and includes the use of spy-professional agents who collect intelligence, couriers who handle secure communications, access agents who arrange contacts between potential spies, and case officers who recruit them (Girod, 2014:17). In addition, Fitzgerald (2015:42) points out that during the application of HUMINT, data can be collected overtly where the investigator conducts interviews with witnesses or suspects or it can be collected through covert means.

ii. Signal Intelligence

Signal intelligence referred to the interception of communications between people or transmitted by machines (Buckley: 2014:75). Furthermore, Fitzgerald (2015:42) added that it involves the electronic transmission, which can be collected by ships, planes, ground sites or satellites.

iii. Imagery Intelligence

According to Girod (2014:173), satellite imagery is often termed as *looking through the keyhole.*

The author stated that it has advanced significantly since the days of the Cuban missile crises when film canisters had to be retrieved, developed, analysed, interpreted and distributed. Both Fitzgerald (2015:42) and Ronczkowski (2012:7) view IMINT as the study and analysis of satellite images videos and photos. Buckley (2014:74) indicates that many law enforcement agencies make use of sophisticated technology such as drones, helicopters and aeroplanes to produce images.

iv.   Measurement and Signatures Intelligence

Buckley (2014:75) stated that the use of sensor-type devices, which might be of assistance in investigations, are on the increase. According to Fitzgerald (2015:42), MASINT includes the advance processing and use of data collected from IMINT. It involves the study and analysis of unique signatures produced by anything on the ground, for example radars, motors, generators, etc. (Ronczkowski, 2012:6).

v.   Open-source Intelligence

James (2016:19) stated that open-source intelligence is not limited to geography or time limits, but can be collected at anytime and anywhere. OSINT is described as the study and analysis of data received from open press, internet, technical industry documents, group literature, etc. (Buckley, 2014: 75; Girod, 2014:185; Ronczkowski, 2012:7). Ronczkowski (2012:359) points out that open-source intelligence does not require any legal processes or any clandestine collection techniques. Girod (2014:185), however, cautions that the reliability of open-source intelligence is a major concern. In addition, Tier (2017:119) identifies two investigative paths to dismantle criminal enterprises, namely covert and overt techniques. Covert and overt information collection techniques are further discussed.

3.4.2.1   Covert information collection techniques

Covert information entails conducting an investigation behind the scenes, where every effort is taken to ensure the secrecy of the investigation (Tier, 2017:119). Bila (2015:22-26) is of the opinion that covert information collection focuses on planned criminal acts that have not yet occurred, but for which the investigator must prepare.

The author further identifies the following covert information collection techniques: physical surveillance; electronic surveillance; informants and undercover officers. For the purpose of this study, the researcher will briefly discuss the techniques identified by Bila (2015:22-26) as well as financial information on covert information collection techniques.

a.   Physical surveillance

Woods (2013:251) defines surveillance as the covert observation to obtain information on the identities or activities of subjects. According to Coleman and McCahill (2011:2), surveillance is a key aspect of crime fighting because it prevents, detects, categorises, controls and corrects criminals. Coleman and McCahill (2011:192) define surveillance as the "collection, processing and analysis of personal information about individuals in order to regulate, control, govern, manage or enable their activities". The Regulation of Investigatory Powers Act 2000 (RIPA) Section 48(2) defines surveillance as: a) monitoring, observing or listening to persons, their movements, conversations or their activities or communications; (b) recording anything monitored, observed or listened to in the course of surveillance; and (c) surveillance by or with the assistance of a surveillance device (RIPA, 2000:54).

Van Rooyen (2013:307) points out that in the context of corruption, physical surveillance is a method of watching people, places and things. Deloitte ([sa]:103) added that surveillance is an important tool in corruption investigation, as it may indicate that an employee and supplier meet on a regular basis. Buckley (2014:402-403) maintains that surveillance is a very powerful intelligence technique if properly implemented. The author further stated that the covert monitoring of the subject's activities can produce a significant amount of intelligence. He further advises that before the commencement of this method, the objective of the surveillance must be clearly identified. Thereafter, the surveillance team needs to be briefed as to the nature of the targets they are to follow. They need to be aware of what information is likely to be of potential intelligence value. Furthermore, there must be a mechanism to capture the information. In light of this, Buckley (2014:182) stated that during a surveillance operation, a 'log keeper' should record all movements and attendant operational aspects of the target in a 'surveillance log'.

In addition, Van Rooyen (2013:308-309), Osterburg and Ward (2014:611) stated that every detail of a subject under surveillance is important during surveillance operations and should be recorded irrespective of how casual a meeting between subjects might seem. Woods (2013:251), Pasco (2013:85) and Lasley et.al (2014:187), on the other hand, warn that surveillance is a time-consuming and resource-intensive way of gathering information. In his study, Knoesen (2012:46) points out that physical surveillance methods are carried out in the following methods, namely static and mobile surveillance, as discussed below:

    i.   <u>Static surveillance</u>

Static surveillance methods are used to observe a target from a fixed location (Lesey et.al 2014:188). Benny (2017:39) added that fixed surveillance could be conducted by two or more investigators because it allows investigators the opportunity to occasionally alter or switch positions. Lyman (2013:126) uses the term 'stakeout' and stated that the purpose of conducting this surveillance method is to arrest the suspects during the attempted or actual commission of a crime. In addition, Dutelle and Becker (2019:55) view stakeouts as a type of surveillance that requires great patience and many departmental resources. The authors continue to state that places and things are generally the focus of a stationary surveillance. Similar to Dutelle and Becker (2019:55), Van Rooyen (2013:309) identifies amongst others, reasons for observing places and persons, namely:

1. To determine the activities, associates, friends, spending habits and movements of corrupt individuals;
2. To identify possible sources of income of those living above their income;
3. To verify information supplied by informers or other sources;
4. To obtain sufficient information for issuing of a search warrant;
5. To monitor and safeguard the activities and behaviour of undercover agents and;
6. To identify and trace suspected persons (Van Rooyen, 2013:309).

    ii.   <u>Mobile surveillance</u>

Dutelle and Becker (2019:55) maintain that career criminals check periodically for tails and are often successful in shaking a tail.

Lesey et.al (2014:187) suggest that a team approach to mobile surveillance is preferable than single surveillance. Pasco (2013:88-89) added that mobile surveillance requires good communication, co-ordination and a heavy dose of common sense amongst team members. In addition, Benny (2017:40) identifies a two- or three-person moving surveillance that allows the investigators to modify their locations more often to cut down the risk of being detected by the target of the surveillance. This method is also known as the "ABC method". The author further clarifies that the "ABC method" refers to the positions of the investigators of the surveillance team. Investigator A stays behind the suspect on foot or behind the subject's vehicle if in a vehicle, followed by B the second investigator on foot or in a vehicle. Investigator C remains on the opposite side of the street or on a parallel street if in a vehicle and always moves slightly ahead or behind the subject of the surveillance.

In light of the discussion herein, it can be stated that investigators at the DCOG may find physical surveillance useful as an information collection technique. Furthermore, the discussion suggests that physical surveillance, if properly applied, can produce background information on corrupt individuals, their modus operandi and establish corrupt relationships between the corrupter and corruptees. It is noticeable that this technique is a covert collection method and the application thereof might be intrusive into individual privacy. Therefore, the DCOG investigators should be familiar with the legislative requirements of implementing such methods. The researcher suggests that only investigators who are trained in physical surveillance operations should consider this method of information collection. This is to avoid losing valuable time and resources, as pointed out by (Woods, 2013:251; Pasco, 2013:85 & Lesey et.al. 2014:187).

b.   Electronic surveillance

Eterno and Robertson (2015:190) are of the opinion that electronic surveillance is an investigator's greatest tool to acquire information. Electronic surveillance involves the use of electronic means to gather information and intelligence, and is often the only method available to penetrate corrupt activities (Van Rooyen, 2013:310). Woods (2013:260) suggests that before initiating electronic surveillance, investigators should consult with a prosecutor.

The following electronic surveillance methods will be discussed: wiretapping, pen and trace devices, Closed Circuit Televisions (CCTV).

i. Wiretapping

Intercepting of telephone calls has been around for a considerable time. This causes criminals to be cautious with what they say when calling and this, however, does not mean that the interception of calls are an ineffective technique of information gathering (Buckley, 2014:423). Lasley et.al. (2014: 190) describe wiretapping as the covert interception of communication contents. The author further states that only conversations that can be made in the furtherance of criminal activities may be recorded or monitored.

In addition, Pasco (2013:89) clarifies that wiretapping records the actual telephonic conversation, which requires a court order if the parties involved in the conversation are not aware of the recordings being made. Van Rooyen (2013:311) is in agreement and added that covert interception is the most invasive and aggressive sort of intrusion into individual privacy. The author further advises that covert interception should rather be used as a last resort after all other efforts made to obtain evidence collection have failed. According to Section 2 (2) of the RIPA 2000, a person intercepts a communication in the course of its transmission by means of a telecommunication system if:

(a) So modifies or interferes with the system, or its operation,

(b) So monitors transmissions made by means of the system, or

(c) So monitors transmissions made by wireless telegraphy to or from apparatus comprised in the system as to make some or all of the contents of the communication available, while being transmitted, to a person other than the sender or intended recipient of the communication (RIPA, 2000:4).

Section 5 of the RICPCRA 70 of 2002 states that:

(1) Any person other than a law enforcement officer may intercept any communication if one of the parties to the communication has given prior consent in writing to such interception, unless such communication is intercepted by such person for the purpose of committing an offence.

(2)   Any law enforcement officer may intercept any communication if one of the parties to the communication has given prior consent in writing to such interception (South Arica, 2002:16).

From the above discussion, it is evident that wiretapping is a form of SIGINT. The covert listening to telephonic conversations between two suspected corrupt individuals might reveal important information concerning corrupt transactions at the DCOG. The South African legislation makes provision for intercepting communication as a form of information gathering, provided that prior written consent is given by at least one of the parties of that conversation. The researcher, however, suggests that before applying this method, the investigators of the DOCG must first obtain legal advice.

ii.   Pen/trap devices

Another electronic surveillance technique available to record information is known as a pen register and trap-and-trace devices. According to Fitzgerald (2015:276), these devices produce a huge amount of intelligence and information. Pen and trap devices are used to monitor incoming and outgoing communications made by telephone, cellular phones and computer networks. However, monitoring the content of these forms of communication is forbidden (Lasley et.al 2014:191). The authors further stated that pen/trap devices can be useful tools in identifying criminal associates. Similar to Pasco (2013:89), Albanese (2015:263) stated that the trap-and-trace devices record phone numbers of incoming calls and pen registers record the telephone numbers of outgoing calls. Woods (2013:590) is in agreement and states that a pen register records every number dialled from a specific phone as well as the date, time and duration of the call.

Furthermore, Fitzgerald (2015:276) added that these devices are considered as non-content surveillance tools which can produce a countless deal of information. Osterburg and Ward (2014:199) agree and added that these devices are generally installed at a telephone company's office. This study discovered that by applying these types of information collection methods, an analyst will be able to establish the frequency of communication made between the parties involved in corruption.

The frequent phone calls between two or more telephones will create an impression that a relationship between the parties exists.

iii.   Closed Circuit Television

In an attempt to protect departmental information and assets, the Department of COGHSTA invested in an Electronic Security System, which includes, amongst others, a CCTV system. The purpose of this system is to record all activities and movements of individuals visiting the department. The system automatically captures and stores footages and recorded material can be made available to investigators in support of completing investigations. Ngwenya (2012:80) describes CCTV as a television system wherein signals are not publicly distributed and images not broadcasted. Buckley (2014:89) warns that the privacy of individuals are of concern when implementing CCTV as an investigation operation. The author clarifies his argument by stating that CCTV systems are often installed as crime prevention methods.

Although citizens are captured on these systems, they remain anonymous and their privacy is not engaged by the State, but an individual loses his/her anonymity when the system is used to monitor that specific individual as part of a planned operation. Krause et.al. (2015:2) explains by means of an example how raw information, if processed, turns into intelligence, for example: CCTV footage of a bank robbery shows a person pointing a firearm at a cashier and demanding cash. The CCTV footage was later shown to a source who confirms the robber's identity. The initial report from the source and the CCTV footage are viewed as information, but when the link is established it becomes intelligence. Taking the above example of Krause et.al (2015:2) into consideration, the CCTV systems can produce valuable information about corrupt individuals and corrupt activities within the DCOG.

It is apparent that CCTV footage can be useful in the identification of suspects and it may confirm a suspect's presence at a certain location at a given time period. From personal experience, the researcher confirms that CCTV systems have limited storage spaces and that old data is automatically removed to make space for new information on storage devices. With this in mind, it is proposed that investigators at the DCOG must, as earlier as possible, apply for available CCTV footage to avoid disappointment.

c.   Infiltration

According to Joubert (2018:395), it is sometimes important to infiltrate a criminal enterprise without their knowledge. Both Buckley (2014:418) and Lyman (2013:146) are of the opinion that during the infiltration of a criminal group, a relationship is to be established between the agent and the suspect. Lyman (2013:146) further states that the agent must gain the suspect's confidence as soon as possible. McMahon (2014:35) is in agreement with the authors and calls this method "roping". The author explains that during roping, the undercover agent gains the trust and confidence of a suspect to a point where the suspect will disclose past and present criminal acts. The following ways of infiltration, namely by ways of informants and undercover operations are discussed below.

i.   Informants

The employment of informants in the fight against crime is an old practice used by law enforcement officers (Fitzgerald, 2015:2). Similar to Woods (2013:244), Lyman (2013:279), Osterburg and Ward (2014:175), Lasley et.al. (2014:193) view an informant as a person with access to crime-related information and who is willing to provide such information to investigators. Furthermore, Fitzgerald (2015:23) agrees and added that informants are crucial in increasing possible cause for search warrants and court ordered telephone intercepts. Ronczkowski (2012:120) and Newburn et al. (2011: 431-432) views the use of informants as a basic weapon in the fight against crime. Informers are regarded as an effective source of information by law enforcement agencies and they are not limited to the most serious of offences.

Joubert (2018:397) acknowledges the importance of informers in the prevention and detection of crime. The author maintains that without information provided by informers, many criminals would never be identified and be brought to book. Lyman (2013:138), on the other hand, stated that the use of informants can be problematic. The author suggests that the use of informants should not be considered if similar results could be achieved through other means. Similar to Ronczkowski (2012:120) and Woods (2013:245) stated that investigators must understand the motives of an informant because misunderstanding their motivation might invite serious problems.

McMahon (2014:16) states that after determining the informant's motives, the investigator should plan on meeting privately with the informant. The author's advice is that close association in public should be avoided at all costs and that the investigator must refrain from labelling the informant as rats, stoolies or snitches. Woods (2013:245) further identifies, amongst others, the following categories of motivation:

- Motivated by ego: Informant who gives information to gain favourable attention from the police.

- Civic-minded informants: Informants who are eager to help, but may not have useful information

- Fear: Some people want protection from real or perceived enemies.

- Repentant informant: Informants who have a change of heart and wish to relieve their conscience.

- Information provided to avoid punishment: Informants who are arrested for minor crime and provide information about a major crime to avoid punishment.

- Revenge and jealousy: Informants who seek to settle a grudge or humiliate another.

- Remuneration: Informants who provide information for cash.

From the above discussion, it is evident that informants can supply valuable information regarding corruption related activities. The researcher suggests that investigators at the DGOC must regard informants as an information source during the collection of information. Their motive for supplying information must, however, first be established.

ii.   Undercover operations

Osterburg and Ward (2014:611) view undercover operations as an important means by which intelligence and information are collected and should be used as a technique to reach as high as possible into the criminal enterprise.

Similar to Buckley (2014:418), Woods (2013:593) defines undercover operations as a surveillance type in which the investigator assumes a different identity in order to obtain information about a criminal activity. Van Rooyen (2013:248-249) stated that the undercover technique is necessary in cases where corrupt individuals conspire in secret to achieve criminal goals. The author further states that the credibility of a professional, well-trained undercover operative who has personally observed, heard or spoken to the defendant during the criminal activities is generally perfect.

Van Rooyen (2013:252), however, warned that certain types of conduct on the part of undercover operatives are prohibited by law, such as participating in acts of violence and the instigating or initiating any plan to commit a crime. Lasley et.al. (2014:193) suggest that undercover operations must be used as a last resort because of the inherent danger and high cost of funding. Pasco (2013:90) is of the opinion that undercover operations can provide evidence, leads and insight that would not surface from normal investigative techniques.

Undercover operations give management an accurate picture of what is occurring on a day-to-day basis at a designated area within an organisation (Sennewald & Tsukayama, 2014:41). Section 252 A (1) of the CPA 51 of 1977 states that any law enforcement officer, official of the State or any person authorised thereto for such person may engage in an undercover operation in order to detect, investigate or uncover the commission of an offence (South Africa, 1977:np). According to Van Rooyen (2013:250), the main objectives of an undercover operation are:

- To obtain evidence to conclude a case.

- To identify those involved in the case under investigation

- To ascertain the methods of the crime and to recover stolen property.

- To obtain information about individuals, the whereabouts of subjects, their actions, contacts and their sources of income.

Van Rooyen (2013:251) further states that when conducting undercover operations, such operations should be closely monitored by the agency leadership and prosecutors to ensure that they take place within the law and to minimise the risk of personal injury to undercover agents and innocent parties.

Van Rooyen (2013:256) advises that whilst working, the undercover agent should follow the following six basic rules:

- Avoid being intoxicated.

- No note taking should be conducted while performing the undercover operation.

- Avoid bragging or claiming self-importance.

- Avoid excessive spending.

- Never reveal true identity.

- Never incite or create the commission of a crime with the intent to prosecute the subjects involved.

In light of the above discussion, the researcher holds the opinion that investigators who conduct undercover operations should be familiar with all aspects thereof. Considering the risk of undertaking undercover operations, it is suggested that investigators at the DCOG should consider this method of information collection as a last option, as recommended by (Lasley et.al. 2014:193). Despite the risks, the researcher maintains that undercover operations can be a valuable information gathering tool in corruption investigations at the DCOG and recommend that investigators should consult with the SAPS when considering the application thereof. The raw information collected through the application of undercover operation might produce vital details of the corrupt activities, which will ultimately result in important intelligence if properly analysed.

d. Financial information

Buckley (2014:378) is of the opinion that information about a person's financial activities can provide substantial material of intelligence value. The author further states that this information will always have to be obtained with proper authorisation and through official channels. However, the interest in a person's finances should not be limited to normal banking, as there are numerous ways in which criminals can move and store money. The author points out that an analyst with financial training will add important value to financial intelligence.

Van Rooyen (2013:330) added that banks may only supply official information on the instruction of a court order. The author states that it is unlikely that a search warrant or a Section 205 of the Criminal Procedure Act (CPA) 51 of 1977 subpoena will be issued at the request of any investigator other than a police official. Section 205 of CPA 51 of 1977 refers to a subpoena as a court order which compels any person, who is likely to be in possession of relevant information regarding an alleged offence, to appear before the judicial officer or, if such person can furnish the required information to the satisfactory of the judicial officer prior to the date of court appearance, he/she shall be under no further obligation to appear before the judicial officer (South Africa, 1977: np).

Van Rooyen (2013:30) suggests that if and when information from a bank is required, this must be done via the SAPS. Section 3 of the Financial Intelligence Centre Act (FICA) 38 of 2001 provides the objectives of the Financial Intelligence Centre (FIC). According to Section 3 (1) of the FICA, the principle objective of the FIC is to assist in the identification of the proceeds of unlawful activities and the combating of money laundering activities as well as the financing of terrorist and related activities (South Africa, 2001:10).

Nkhoma (2019:106) describes the FIC as a national centre in South Africa for the receipt, analysis and dissemination of financial intelligence. Mostert (2012:84) states that the FIC may provide information to investigating authorities, the South African Revenue Service (SARS) and the Intelligence Services. Budhram (2015:54) is more specific and stated that the FIC could provide intelligence on corruption to various investigative and law enforcement agencies. Nkhoma (2019:106) emphasises that the FIC could be of utmost importance in assisting with compiling financial profiles of those implicated in corrupt activities.

The above discussion confirms the statement made by Buckley (2014:378) who indicates that financial information can be acquired from sources other than banking institutions. The researcher is in agreement with Buckley (2014:378) that financial information can be of importance to corruption investigations. It is evident from the above discussion that DCOG investigators with the assistance of the SAPS may obtain information from banking institutions. This implies that a criminal case is a prerequisite for a Section 205 of CPA 51 of 1977 subpoena.

The discussion further points out that DCOG investigators have the FIC from where they can obtain financial intelligence about corruption suspects. From personal experience, the researcher concurs with Mostert (2012: 82) that the FIC is not optimally utilised as a source of information. Therefore, he holds the opinion that the reason why DCOG investigators do not utilise the FIC as an information source could be ascribed to a lack of knowledge.

3.4.2.2 Overt information collection techniques

Overt entails conducting investigation with the knowledge of the criminal enterprise (Tier, 2017:119). According to Bila (2018:304), overt information collection includes the personal interaction with witnesses, victims and suspects of a crime. The authors further provide the following examples of sources of overt collection, namely crime statistics; modus operandi; crime scene; crime witnesses; victims and suspects of crimes; and the ordinary citizens (Bila, 2015:18-21). For the purpose of this study, the researcher will briefly discuss interviewing and interrogations as overt information collection techniques.

3.4.2.2.1 Interviewing and interrogation

Kranacher and Riley (2020:324) alluded that nothing is more important to the successful resolution of a case (corruption) than the ability to conduct a detailed interview with witnesses and interrogation of suspects. Gottschalk (2014a:247) is of the opinion that by means of interviewing and interrogation of suspects, witnesses, reference persons and experts, information is collected on crimes, criminals, times and places, activities, roles, et cetera. Section 35 (3) of the Constitution of the Republic of South Africa states amongst others: Every accused person (suspect) has the right to a fair trial, which includes the right –

g) to have a legal practitioner assigned to the accused person by the State and State expense, if substantial injustice would otherwise result, and to be informed of this right promptly;

h) to be presumed innocent, to remain silent and not to testify during the proceedings (South Africa, 1996:14).

Deloitte ([sa]:124) describes interviewing as the initial phase where crime information is obtained during the course of an investigation.

The author further pertaining to a crime while interrogation is only applied to possible suspects of a crime. Girod (2014:19) stated that interviews and interrogations with individuals having access to information consist of formal, structured conversations with open sources to prompt information. Van Rooyen (2013:238) suggests that a comprehensive interviewing strategy should be designed. This strategy should include measures to cope with obstructive lawyers, provide witness protection, to protect the credibility of the witness and to reduce opportunities of attacking the propriety of the management of a witness.

Benny (2017:37) added that before any interview, the investigator must gather as much information on the topic as possible in order to identify possible missing information that might be obtained during the actual interview. The author suggests that the investigator must display a professional image throughout the interview. Furthermore, McMahon (2014:45) added that the investigator must be in absolute control of the interview. With regards to interrogation, the author points out that no time limits should be placed on the duration thereof, with the exception that it should not be too long and under conditions which will amount to duress (McMahon, 2014:46).

From the discussion above, the researcher is of the opinion that interviews and interrogations may produce valuable information concerning how, where and when corruption occurred or is likely to occur. Interviews and interrogations offer the investigators the opportunity to probe particular questions to individuals which they want clarity on. Furthermore, interviews may also reveal the identity of the perpetrators involved in corruption and the various roles they might play within the criminal enterprise. Interrogation, on the other hand, might lead to corruption suspects at the DCOG incriminating themselves in dishonest transaction.

However, Section 35 (3) of the Constitution warns that a suspect is not compelled to provide any information. Therefore, the DCOG investigators who conduct interviews and interrogation techniques must be discreet in the manner in which they obtain information from the interviewee. Information must always be collected in an ethical and lawful manner. In the preceding phase of the crime intelligence process, investigators had to decide on the appropriate information collection method they will utilise in order to gather information.

The discussion herein points out that DCOG investigators have a range of collection disciplines to choose from. Without hesitation, it can be stated that all the techniques discussed herein will contribute to more successful convictions in a corruption investigation at the DCOG. Despite the fact that the majority of the techniques discussed are invasive, these methods remain very effective in a corruption investigation. Regardless of the information collection technique (*overt or covert*), this study identified that DCOG investigators should always keep the legislative requirements of each of these disciplines in mind before and during the application of information gathering. The discussion further acknowledges five information collection platforms. However, four of these platforms are relevant to corruption investigations at the DCOG, which are – HUMINT, SIGINT, IMINT and OSINT.

The researcher is in agreement with Ronczkowski (2012:94) in that HUMINT is the best source of information gathering, although SIGINT and IMINT can also provide information which will produce invaluable tactical crime intelligence to assist in solving corruption investigations at the DCOG. During the interviews, question 18 of interview schedule no.1 (as per attached Annexure A) the participants of Group A, the investigators, were asked how they collect information for corruption investigation purposes. They responded as follows:

- ➢ Participant number one answered: "*Information is collected through interview, written statements and tape recording device*".

- ➢ Participant number two answered: "*We collect information by conducting interviews, collecting documents and sometimes requesting video footages*".

- ➢ Participant number three answered: "*After conducting the interviews, written statements are taken from both the complainant, witnesses and the alleged perpetrators; documents and other evidence are also collected and stored by the investigator*".

- ➢ Participant number four answered: "*Documents and relevant evidence are collected, identified witnesses and suspects are interviewed and statements are taken from them*"

- ➢ Participant number five answered: "*Information is collected by means of interviewing the witnesses and suspects.*

> *Thereafter written statements are taken from them, documents and other evidence are then collected to prove or disprove a matter*".

> Participant number six answered: "*By interviewing the different witnesses and suspects, taking of written statements, making copies of relevant registers and other documentary evidence, etc.*"

It is evident from the responses of the participants of Group A that they follow an identical approach of information collection. The majority of the investigators indicated that they make use of interviews, written statements and collecting of documentary evidence as a form of information collection during a corruption investigation. This implies that the interviewees are making use of overt information collection tactics. To be more specific, they are using HUMINT and OSINT information collection platforms.

3.4.3 Processing/collation

Lasley et.al. (2014:199) are of the opinion that during the collation phase data is assembled into logical format, information is indexed, cross-referenced and stored for efficient retrieval. Bila (2015:27) points out that the arranging of data makes it easier to identify relationships amongst entities and uncovering relevant information. Mashiloane (2014:157) added that information can be categorised and through the categorisation of information, patterns and trends become obvious.

According to Buckley (2014:189-190), the term collation means to examine and compare old material with new material, dot down points of agreement and assemble the material in a logical sequence. The author opted to use the word integration instead of collation and advises that intelligence collectors should provide complete and accurate details at the time of submitting information. Integration includes sorting of information to determine the relationship between new information and existing intelligence. The author added that when new intelligence is created and placed in an intelligence database, effort must be made to avoid the duplication of entities. In light of the above explanation, it is evident that collation of data is the responsibility of the analyst.

This implies that the huge volume of corruption information, which was submitted to the analyst during the previous phase, will be organised into categories for easy retrieval before proceeding to the following phase. It is evident that at this phase of the process, the intelligence product has not yet been produced.

3.4.4 Analysis and production

Similar to Ronczkowski (2012:354), Eterno and Robertson (2015:165) define crime analysis as the methodological analysis of crime data in order to supply decision-making and investigative support to police. Gottschalk (2014a:253) views crime analysis as the study of crime patterns and trends in an attempt to solve crimes or prevent the repeat thereof. Eterno and Robertson (2015:170) added that the purpose of crime analysis is to: identify patterns, generating investigative leads, identify suspects, and clearing open cases. Buckley (2014:310) defines analysis as a process of breaking a complex topic into smaller parts to gain a better understanding thereof. Ronczkowski (2012:106) added that an analyst must have a hypothesis or a structural analytical problem as a roadmap in order to break information into manageable pieces.

A hypotheses is described by Van Rooyen (2013:214) as an unsubstantiated statement which must be proven as true or false after a collection and analysis process. Girod (2015:171) is of the opinion that pieces of data are combined with collateral information and patterns to identify the significance and meaning of process intelligence. Krause, et.al. (2015:20) added that the organised data is further compared with the expectation derived from the initial problem statement or hypothesis. They stated that during the comparison phase the analyst should determine:

- Whether the data exhibits significant relationships

- The meaning of relationship or the lack of relationships in terms of the purpose of the analysis

- The larger meaning if and from these findings

- Requirements for additional information or further analysis (Krause, et.al, 2015:20).

The UNODC (2011:13) views the analysis stages as a key phase of the intelligence process because it highlights information gaps, strengths, weaknesses and suggests ways forward. Lasley et.al. (2014:199) are in agreement with the authors and point out that during this phase the analyst converts raw data into usable intelligence by subjecting data sources to specialised computer software or by using trained persons to perform customised analysis. Girod (2014:205) is in agreement and highlights that previously intelligence files were manually operated. He stated that this method of analysis can still be of value where technology is scarce. Mostert (2012:33), however, declared that this method of analysis is more complicated than the application of software programmes, such as Analyst's Notebook and iBase.

Buckley (2014:227) added that a good software programme is expensive to design and takes considerable time. According to the UNODC (2011:30-31), charts, tables, maps and other products are useful as illustrations of ideas, but the underlying data and its meaning is what the analysis is all about. The organisation identifies data integration as the first phase of the analytical process. During this phase, various types of information is combined to establish areas of weakness in order to draw inferences for law enforcement action followed by the interpretation phase, which means going beyond the facts, asking the "what if "questions. The organisation further stated that the previous phase must be accurate and complete to minimise the risk that the analyst takes during decision making. UNODC (2011:30) provides the following figure to illustrate the analysis process:
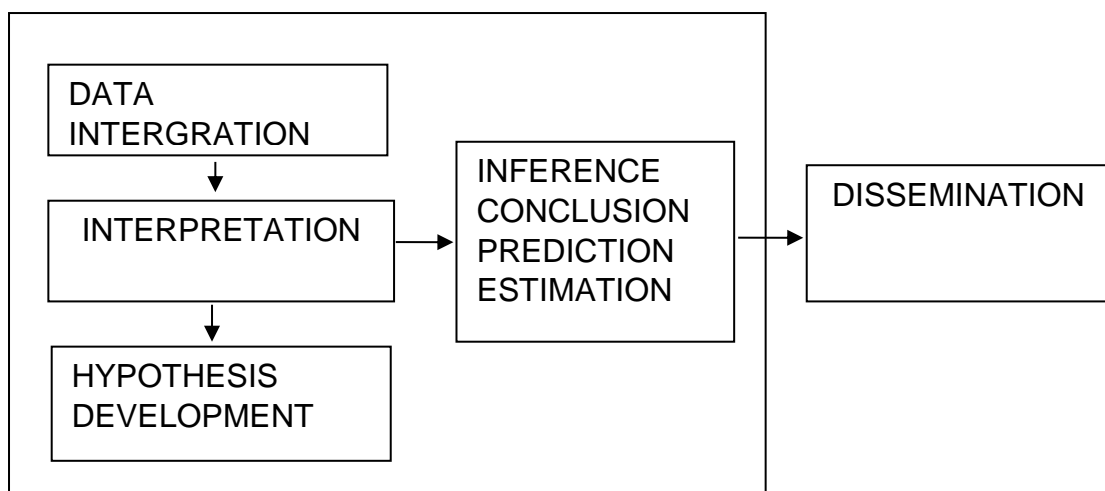
Figure 3. 3: The process of analysis

(Source: UNODC, 2011:30)

In his study, Bila (2015:32) identifies the following types of crime analysis: tactical crime analysis; strategic crime analysis; administrative crime analysis; investigative crime analysis; intelligence analysis; and operations analysis. Krause, et.al. (2015:21) stated that the choice of which type of analysis to be applies is usually determined by the need or the client concerned. Krause, et.al. (2015:23) further advises that before proceeding to the dissemination phase of the intelligence process, the analysed information must be evaluated in terms of validity, accuracy and reliability and if shortcomings still exist, the information must be referred back for enrichment or rectification purposes.

The discussion above suggests that during this phase of the crime intelligence process, information is converted into a meaningful intelligence product. This implies that an analyst is required to perform the task of transforming the information from raw material into the intelligence product by means of software programmes, such as Analyst's Notebook, iBase or the manually operated methods. The researcher concurs with Mostert (2012:33) that a software programme will be a better option to analyse a huge amount of information compared to the manually operated method.

It can further be stated that at the end of this phase, the analyst should be able to provide the investigating team of the DCOG with a tactical crime intelligence product, which will address aspects such as details of the perpetrators involved in the corruption case under investigation the modus operandi of those perpetrators and the time and place where corruption occurred or is likely to occur. When asked what tactical crime analysis is, the participants of Group A responded as follows:

➢ Participant number one answered: "*Tactical crime analysis refers to highly sophisticated manner of analysing crime patterns*".

➢ Participant number two answered: "*It involves the analysis of crime patterns*".

➢ Participant number three answered: "*Tactical crime analysis has to do with the analysis of crime trends*".

➢ Participant number four answered: "*Tactical crime analysis is the process of analysing information for investigation purposes*".

- ➢ Participant number five answered: "*It is the analysis of information by an intelligence unit*".

- ➢ Participant number six answered: "*Tactical crime analysis is an analytical process conducted by an analyst*".

To get the opinion of the expert participants on how they viewed the concept tactical crime analysis, they replied as follows:

- ➢ Participant number one answered: "*Tactical crime analysis look at the different tactical elements of the crime for example the dates, time, specific area where the crime occurs and it focus on the suspect to try and identify them*".

- ➢ Participant number two answered: "*Tactical analysis is a process of converting raw information into an intelligence product through an analytical process*".

In addition, the expert participants were requested to identify available software programmes which will assist with the analysis of data during the intelligence process. Their responses were captured as follows:

- ➢ Participant number one answered: "*Information can be captured into an Excel programme and then imported into a visualisation tool. Analyst's notebook is a charting visualisation tool and I-Base a database software. Optical Character Recognition converts bank statement from pdf formats and hardcopies to Excel format. Analysed notebook is used to create a link chart of all the information which was gathered*".

- ➢ Participant number two of Group B provided no answer to the question.

The answers received from the participants were compared to those of literature reviewed. The majority of the participants of Group A (numbers one, two, three and six) viewed tactical crime analysis as the analysis of crime patterns or trends. Mashiloane (2014:113), however, stated that one of the main purposes of tactical crime analysis is to 'examine data' in order to identify patterns and trends. There is a noticeable distinction between the views of these participants and that of the author. The author is of the opinion that pattern and trends are identified.

On the contrary, the participants state that patterns and trends are analysed. Gottschalk (2014a:253), however, defines crime analyses as the study of crime patterns and trends in an attempt to solve crimes or prevent the repeat thereof. With this in mind, it is apparent that the participants defined the concept crime analysis and not tactical crime analysis per se. Two participants of Group A (participants numbers four and five) viewed the process of information analysis as tactical crime analysis. Participant number one of Group B is more specific about tactical crime analysis. His version is supported by Mashiloane (2014:113) who stated that tactical crime analysis involves the analysis of data to develop information on questions, such as the where, when and how of a crime.

Participant number two of Group B is in agreement with the viewpoints of the literature consulted. The above discussion revealed that there are various analytical software programmes available. The discussion herein suggests that the various authors define analysis as the process of converting raw information into an intelligence product. Taking the view point of both Mashiloane (2014:113) and participant number one of Group B into consideration, the analyst is expected to provide the DCOG investigators with answers such as where, when and how corruption is likely to be committed.

3.4.5 Dissemination

Similar to Buckley (2014:214) and Ronczkowski (2012:179), Girod (2015:171) is of the opinion that completed intelligence is of little value if it does not meet the needs of the intelligence consumers and decision-makers. Ronczkowski (2012:179) further states that if management fails to review, consider and respond to intelligence in a timely manner, it will be of no use. The author refers to the World Trade Centre incident on 11 September 2001, where signs of terrorism were allegedly present prior to the incident, information was gathered and reviewed, but not acted upon. It demonstrates the need for accurate, timely and verifiable intelligence. The dissemination phase is the phase in which the analyst presents the findings to the intelligence client. Questions asked during the first phase of the intelligence process must be answered in a clear and concise manner so that the answers are applied and interpreted as well as possible (Krause, et.al. 2015:24).

Lowenthal (as cited by Bila, 2015:40) recommended that the intelligence community must consider the following questions, amongst others:

- Among the large mass of material being collected and analysed, what is important to report?

- How quick should it be reported?

- How much detail should be reported to the intelligence consumer?

- How long should the report be?

- What is the best method of reporting it?

Lasley et.al (2014:199) added that the intelligence information is presented to the intelligence consumers in a report or alternative friendly formats. In addition to this, the UNODC (2011:15) identifies the following forms of disseminating intelligence:

- Structured formalised reports.

- Structured/formal oral presentation with supporting documents.

- Weekly overviews.

- Ad-hoc briefing to intelligence and investigation teams.

Buckley (2014:214) suggest that with regards to the dissemination of intelligence a risk-based approach should be adopted. The author clarifies that the risks of dissemination must be considered before the distribution of the intelligence. Buckley (2014:215) continues and terms dissemination as "the release of an intelligence product, under identified protocols to those who have both a right and a need to have them". Krause et.al. (2015:24) are in agreement and identified three requirements before crime intelligence are to be released:

- Right to know: It determines whether the recipient has legal access to the information.

- Need to know: Refers to specific reasons why someone with the right to know can have classified information.

- Authority to release: Classified crime intelligence reports may not be released without prior authorisation.

In light of the discussion herein, it is evident that during this phase, the translated data will be conveyed to the investigators of the DCOG who initially registered their need for the intelligence product during the planning phase. The above discussion suggests that the analyst should have various platforms to distribute the intelligence product to the investigators, which can be done in the form of formal reports, briefing sessions, presentations or weekly overviews. However, the intelligence product should be securely distributed. The researcher, therefore, proposed that the analyst should consider the advice offered by Krause et.al. (2015:24) before releasing the product. When asked to name the different phases of the intelligence cycle, the participants of Group A replied as follows:

➤ Participant number one answered: "*Planning, information gathering, sorting through the collected information and analysing it, dissemination to the relevant role-players*".

➤ Participant number two answered: "*gathering of information, verifying the information, sorting out of the collected information and analysing the information and dissemination*".

➤ Participant number three answered: "*requirement, collection, processing, analysing, dissemination and feedback*".

➤ Participants numbers four and five stated that they do not have an answer to the question.

➤ Participant number six answered: "*planning, collecting information, analysing the information and dissemination*".

In attempt to get a broader understanding of the intelligence phases, the experts were asked to explain the intelligence phases. Their responses were recorded as follows:

➤ Participant number one answered: "*Planning: This is a very important phase of the intelligence cycle, what you trying to achieve, the scope and limitations are discussed at this phase.*

> *Whoever request intelligence product must not expect miracles or things which was not well-defined during the planning phase. Collection: This is the phase where information is collected, either through overt or covert methods. Collation: Is the processing of intelligence in a logical order. Analyses: Get all different information and make use of a software program to assist with analysing the volume of data to identify types of correlations. Dissemination: Sending the analysis product, charts, etc. to investigator or agencies who requested the intelligence services".*

- ➢ Participant number two answered: *"Direction and tasking. First an environmental scanning is done. Then the investigation phase will start, which includes the collection of raw information. In order for the information to become intelligence it needs to go through an analysis phase, then only we can speak of intelligence and not information. The intelligence is then disseminated to the requester. After the information is turned into intelligence then action can take place. Action includes: impede, advice or illuminate".*

The feedback received from the participants was compared with the viewpoints of the literature consulted. The majority of the interviewees of Group A (numbers one, two, three and six) and the two participants of Group B are in agreement with the authors. The two interviewees of Group A (numbers four and five), who indicated that they do not know the phases of the intelligence cycle, revealed that they did not have knowledge of the different phases. From the above discussion, it is evident that before information can be categorised as intelligence, it must go through the intelligence cycle.

The consulted literature indicates that the authors have different views on which step of the intelligence cycle is more important than the other. UNODC (2011:13) views the analysis phase as the key phase of the intelligence cycle. Van Rooyen (2013:215), on the other hand, is of the opinion that the collection phase is the most important function of the intelligence cycle. The argument of Buckley (2014:214), Ronczkowski (2012:179) and Girod (2015:171), who stated that finished intelligence is of little value if it does not meet the needs of the intelligence consumers and decision-makers, is an indication that the dissemination phase is also an important phase of the intelligence cycle.

Participant number one of Group B alluded that the planning phase is a very important phase. In the context of corruption investigations at the DCOG, the investigators will be viewed as the intelligence consumer because they will be the people who most probably register the need for an intelligence product. This means that the intelligence report will have to be disseminated to the investigators of the DCOG. However, the requirements as identified by Krause et.al. (2015:24) must be considered and adhered to by the analyst before the intelligence report is to be released.

3.5   SUMMARY

This chapter explored the concepts crime intelligence, the crime intelligence process and the different types of crime intelligence. Different information collection techniques were also discussed. This study reveals that information and intelligence are two different concepts, which should not be used inter-changeably. It is imperative that information must go through an intelligence phase before it can be categorised as intelligence.

Information can either be collected through covert or overt collection tactics. The South African law makes provision for collecting information from invasive methods. Investigators must respect individual human rights and they should, therefore, collect information in a legally and ethical manner.   The feedback from the participants of Group A indicates that there is a need for training in the field of crime intelligence to the investigators of the DCOG. The participants of Group B are well informed with the application of intelligence techniques during the investigation of corruption. The next chapter focuses on the findings, recommendations and conclusion of this research.

CHAPTER FOUR
FINDINGS, RECOMMENDATIONS AND CONCLUSION

4.1 INTRODUCTION

The aim of this research was to conduct a comprehensive study on the application of intelligence-led approaches to corruption investigations at the DCOG. The researcher achieved the aim of this study by utilising information collected from national and international literature, by conducting interviews with six investigators at the DCOG as well as with two expert participants, a retired senior manager of a state security agency and a financial intelligence centre manager. The research questions were formulated to address the research problem. This chapter discusses the findings and recommendations of this research, followed by the conclusion at the end of the chapter. The findings and recommendations set out below are related to the research rationale, research objectives and research questions of this study.

4.2 RESEARCH FINDINGS

The research findings are grouped into primary and secondary findings. All the information received from the participants and explored literature, both national and international, determined the outcome of the findings as outlined below.

4.2.1 Primary findings

The following are primary findings which relate to the research rationale, research objectives and the research questions of this study.

4.2.1.1 Findings relating to the research rationale

The findings indicate that corruption is undoubtedly an evil phenomenon which has a negative financial impact on affected businesses and the general society. It has been discovered that an intelligence-led policing strategy is one investigation model available to DCOG investigators to uncover and investigate corruption related crimes. The study found that tactical crime intelligence techniques if properly applied will contribute positively to the successes of corruption investigations within the DCOG.

It is evident throughout the study that the investigators at the DCOG have limited knowledge regarding crime intelligence and the application thereof in a corruption investigation. No obvious problems regarding the application of tactical crime intelligence techniques were discovered. However, the main concern with the application of these methods is the privacy rights of individuals which investigators must constantly respect and consider during investigations.

4.2.1.2 Findings relating to the research objectives

The following research objectives were formulated for this study.

- To determine how tactical crime intelligence techniques should be applied during the investigation of corruption at the DCOG.

- To explore to what extent tactical crime intelligence techniques can contribute to more successful convictions of corruption in the DCOG.

This study revealed that the most crucial aspect of tactical crime intelligence techniques is the legality of the collection methods used during a corruption investigation. Therefore, the implementation of tactical crime intelligence techniques in corruption investigations should be applied ethically and legally. Furthermore, the study found that tactical crime intelligence can be reactively or proactively applied during corruption investigations. As a result, it may enable investigators at the DCOG to identify activities of corruption perpetrators, establish their modus operandi and disrupting their criminal activities from occurring.

This implies that tactical crime intelligence techniques might be vital in detecting corruption wrongdoings, and it might also recover undisputable information which will be significant to the success of a corruption investigation in the DCOG. The study revealed that intelligence-led approaches to corruption investigations will certainly contribute positively to the successes of such inquiries.

4.2.1.3 Findings relating to the research questions

- ❖ **Research Question One:** *How are tactical crime intelligence techniques applied during the investigation of corruption in the DCOG?*

It was established, based on the consulted literature and the interviews conducted with the participants that no universal rules exist for conducting corruption investigations. Nonetheless, the investigators of the DCOG follow an identical approach when conducting corruption investigations. The SAPS has the legal mandate to investigate crime. Therefore, if DCOG investigators are convinced that individuals need to be criminally charged, such a case must be reported to the SAPS.

The majority of the participants of Group A and participant number two of Group B are in agreement with the consulted literature that information ought to be collected legally and that individual privacy should always be respected when applying tactical intelligence techniques in corruption investigations. Participants numbers three and five of Group A indicated that they do not know how tactical intelligence should be applied in corruption investigations.

It is noticeable from this study that the lawfulness of information collection techniques is the most crucial aspect in investigations. The expert participants are well versed with the concept tactical crime intelligence as well as the application thereof in corruption investigations. They confirmed that if properly applied, tactical crime intelligence will contribute positively to corruption investigations.

❖ **Research Question Two*: What are the tactical crime intelligence techniques that contribute to the successful convictions of corruption in the DCOG?***

This study determined that during corruption investigations, the DCOG investigators collect information through interviews, written statements, tape recordings, documents and CCTV footages. It can be argued that the DCOG investigators do not recognise these methods as tactical crime intelligence techniques, because when asked to provide types of tactical crime intelligence techniques, they fail to cite the aforementioned methods. The researcher draws inference that the techniques herein identified are the methods that contribute to the successes of corruption investigations at the DCOG.

Tactical crime intelligence techniques are considered as information collection methods. Several tactical crime intelligence techniques were identified which DCOG investigators may apply during information gathering. The following list comprises of techniques as identified by different sources:

Table 4. 1: Tactical crime intelligence techniques

Literature	DCOG Investigators	Expert participants
Undercover operations; Financial investigations; Interviewing techniques; Covert operations; Communication interceptions; Listening devices; Reviewing of records; Physical surveillance; Search warrants; Cultivation of witnesses; Analysis of telephone records; Pen registers; Pole cameras; and Human resources.	Whistle-blowing; Undercover operations; Phone bugging; Surveillance; Informants; and Electronic recording devices	Signal interceptions; Undercover operations; Whistle-blowing; Media reports; Financial statements; Matego-Software; Interviews; Interrogations; Documents; Surveillance; Infiltration and penetration

Source: Compiled by student

4.2.1.4 Overview of key findings

➢ Findings – Corruption

It was found that corruption can be categorised as either grand or petty corruption, and it contains the giving of a compensation to someone in a decision-making position in exchange for a favour from that decision-maker. The act of corruption requires that two or more parties should be involved during the transgression (*a corrupter and corruptee*). The '*corrupter*' is perceived as the individual who offers the gratification to a '*corruptee*' who is the person who accepts the benefit.

Furthermore, the elements of corruption should be present during the commencement of the misconduct, which is – acceptance, gratification, inducement, unlawfulness and intention. Corruption is seen as the umbrella term for: bribery; extortion; favouritism; nepotism; insider trading; fraud; embezzlement; abuse of power; and conflict of interest.

➢ Findings – Crime intelligence

This study identifies crime intelligence as verified crime information. Strategic intelligence, tactical intelligence and operational intelligence were acknowledged as the most commonly used types of crime intelligence. The participants of Group A were unable to identify the different types of crime intelligence. The inference the researcher draws from this is that the investigators at the DCOG have a lack of knowledge on the concept crime intelligence.

This research found that crime intelligence at a tactical level is case-specific focused, it relates to rapid developing situations and the collected information is processed and acted upon within minutes. The intelligence product is intended to assist the investigators on the ground and it addresses the 'who' and 'how' aspects of a corruption case. It provides investigators with verified crime information, such as:

- activities of corruption perpetrators;

- modus operandi of criminals;

- specifics of individuals and organisations;

- types of criminal activities; and

- information related to names, surnames, addresses, occupations and criminal associates.

This study revealed that the *'crime intelligence process'* is a requirement for transforming data from information to an intelligence product. Many versions of the crime intelligence process exists. However, the following phases are included in most of these versions: 1) planning and direction; 2) collection; 3) processing; 4) analysis and production; 5) dissemination.

➢ Findings – Legislative requirements for invasive techniques

This study disclosed that investigators should possess knowledge of legal matters because the law of evidence and procedure is of prime importance to investigators. Furthermore, the findings revealed that, regardless of covert or overt information collection techniques applied during a corruption investigation, the investigators of the DCOG should always respect the individual's right to privacy as enshrined in the Constitution of South Africa. The study acknowledged five principles that should be adhered to during information gathering activities, as – legal basis; legitimate reasons; necessary; proportionality; and accountability.

This research found that covert interception is the most invasive and aggressive sort of intrusion into individual privacy. For information to be collected lawfully through means of invasive techniques, it should either be done with the consent of a suspect, through a search warrant or by a Section 205 subpoena. A Section 205 of the Criminal Procedure Act 51 of 1977 may only be issued to the SAPS. Furthermore, it is discovered that the RICPCRA 70 application approval is a prerequisite for the legal interception of communications. The SAPS may apply for an Act 70 application and if the judge is convinced that the proposed methods are the only option available to investigate, then the judge may approve such application.

4.2.2 Secondary findings

The secondary findings gained from other relevant discoveries in this study relate to the research topic, as summarised below.

➢ Investigation

Investigations are perceived as a systematic process to determine whether rules or laws were breached. Forensic investigation is found to be the application of science to reconstruct circumstances surrounding criminal activities. Criminal investigation involves the locating and gathering of information, identification and apprehending of suspects, launching prosecution and bringing suspects to justice. Three phases of criminal investigation were identified, namely preliminary investigation, in-depth investigation and the conclusion of the investigation.

This study revealed that the participants of Group A are not familiar with the definitions 'forensic investigations' and 'criminal investigations' as described by the literature. Furthermore, the research established that the SAPS has the legal obligation to prevent, combat and investigate crime. It was also found that other departments may initiate their own internal investigations dealing with internal matters.

➢ Goals of investigations

From the literature consulted and the responses of the participants, it was established that investigations have numerous goals. Nonetheless, the most common goals identified during this study were – to search for the truth, to gather information, gathering of intelligence, detecting and identifying of a crime, apprehending of suspects, recovering of stolen property, and to bring perpetrators to court. This study revealed that the participants are well versed with the goals of an investigation.

➢ Difference between information and intelligence

This research established that intelligence and information are two different concepts which should not be used interchangeably. Information is the raw data which the investigator collects from information sources. Two types of information sources were identified and are: open-sources and closed-sources of information. The researcher found that both open-sources and closed-sources will contribute positively towards solving corruption cases at the DCOG. Furthermore, open-source information is data which is freely available to the public and closed-source information is classified information which is not accessible by the general public.

It was also found that in terms of the Constitution of the Republic of South Africa, investigators may apply for information held by the State or another person, provided that the request for the required information complies with the procedural requirements as set out in the PAIA. Intelligence, on the other hand, is found to be the end product of analysed information. This study identified that the participants are cognisant of the fact that a difference between information and intelligence exists.

However, participants number four and five of Group A viewed intelligence as information that is collected through covert tactics. It is evident that the participants of Group A have limited knowledge on the concept intelligence.

4.3 RECOMMENDATIONS

This section focuses on the recommendations made by the researcher. The suggestions derive from the primary and secondary findings of this study.

4.3.1 Recommendations to the research rationale

To enhance investigations at the Department of COGHSTA, it is recommended that the DCOG investigators adopt an intelligence-led approach to all corruption related investigations. However, it is discovered that the investigators have limited knowledge regarding crime intelligence. Hence, formal training in this field is recommended. It is further recommended that training should include the various information gathering techniques and the legislative requirement for instituting such measures during a corruption investigation.

4.3.2 Recommendations to the research objectives

It is revealed that the lawfulness of information collection methods and individual privacy is of utmost importance in corruption investigations. Therefore, the intelligence theory, as pointed out by participant number two of Group B, '*moving from least intrusive collection methods to more in-depth methods*' is strongly recommended. It is also recommended that DCOG investigators should consider the suggestions made by the consulted literature, which involves:

- Planning investigations to the finest detail;

- Draft an investigation plan to reduce the risk of overlooking crucial evidence; and

- The basic steps of corruption investigation as discussed under 2.4.1.

This study proposes sophisticated information collection techniques for corruption investigations.

All tactical crime intelligence techniques, as discussed throughout this study, are recommended for information collection in corruption investigations within the DCOG. It is evident that the majority of these techniques are of a clandestine nature, which implies that invasion of privacy may become a concern during the application thereof. It is, therefore, recommended that DCOG investigators familiarise themselves with the legal requirement for applying these techniques.

4.3.3 Recommendations on research questions

It is recommended that investigators at the DCOG should be formally trained in tactical crime intelligence. The training should include tactical crime intelligence techniques as well as the legislative requirement for the different techniques during a corruption investigation. Since the SAPS has the legal mandate to investigate crime, it is recommended that the investigators at the DCOG should focus on investigating petty corruption cases and report all grand corruption investigations to the SAPS. To enhance corruption investigations, it is recommended that DCOG investigators should expand their information gathering approaches by exploring the tactical crime intelligence techniques identified in Table 4.1.

4.3.4 Recommendations on key findings

➤ Corruption

This study discovered that the elements of corruption are a set of preconditions that need to be demonstrated before the misconduct can be classified as corruption. It is, therefore, recommended that the investigators at the DCOG should acquaint themselves with the requirements of corruption before the commencement of such inquiry. According to the consulted literature, this action can be achieved by studying and analysing the applicable statutory or common law definitions. Also, the DCOG investigators must be mindful that the elements of each of the crimes under the umbrella term 'corruption' differ from each other.

➤ Crime intelligence

From the inception of this study it was highlighted that the Department of COGHSTA has no intelligence system in place and that no intelligence-led approaches are applied during corruption investigations.

As the study progressed, it was discovered that the DCOG investigators have limited knowledge about intelligence operations. It is, therefore, recommended that the Department of COGHSTA:

- Conduct comprehensive research to establish what the advantages and disadvantages of an intelligence system are;

- Consider employing a competent intelligence unit/system; and

- Provide in-depth training on gathering of information for intelligence purposes.

  ➢ Legislative requirements for invasive techniques

It is recommended, that the DCOG investigators should at all times respect the constitutional rights of individuals. Therefore, legal advice must be sourced before the application of any clandestine information collection technique. In this regard, it is recommended that the investigators of the DCOG should work closely with the Legal Unit of the department. Furthermore, since this study recognised that the DCOG investigators rely on the SAPS for obtaining permission to intercept communications between suspects, it is advised that these investigators should adhere to the RICPCRA 70 of 2002 regulations and refrain from eavesdropping without the necessary approval.

Formal training regarding information collection techniques is recommended for the investigators at the DCOG. Additionally, it is recommended that the DCOG investigators should adhere to the five principles of information gathering as identified in this research, which are – legal basis; legitimate reasons; necessary; proportionality; and accountability.

4.3.5 Recommendations on secondary findings

To improve the skills and knowledge of the investigators who deal with corruption related investigations at the DCOG, the following recommendations were made on the secondary findings of this study:

  ➢ Investigations

It is recommended that in order for the concepts of forensic investigations and criminal investigations to be incorporated into a training programme, the content thereof should formally be presented to the DCOG investigators. Also, this training programme should outline the roles and responsibilities of both the DCOG investigators and the SAPS in terms of reporting crimes for prosecution.

➢ Goals of investigation

It is recommended that the goals of an investigation should explicitly be outlined in the mandate of the investigators in order for them to strive to achieve the objectives of the investigation. Furthermore, the investigators should be mindful that the goals of investigation may vary from one investigation to the other. Hence, it is suggested that investigators should familiarise themselves with the intention of a particular investigation before the commencement of such inquiry.

➢ Difference between information and intelligence

This study proposes that the DCOG investigators familiarise themselves with the concepts 'information' and 'intelligence' to avoid further confusion about these terms. Regardless of the type of information sources (open-source or closed-source), DCOG investigators are advised to adhere to applicable laws of information gathering. It is highly recommended that the DCOG investigators acquaint themselves with the FIC as well as the support they might offer to the DCOG investigators during a corruption investigation.

4.4 CONCLUSION

This chapter concludes this research '*exploring the use of tactical crime intelligence techniques in corruption investigations*'. From the onset of this study, it was pinned down that the concept 'intelligence-led approach' is a new model to both the researcher and the investigators of the DCOG. Hence, the purpose of this project was to explore how DCOG investigators should apply tactical crime intelligence techniques in corruption investigations. It was also the intention of this research to empower investigators at the DCOG on intelligence-led approaches during corruption investigations. The researcher confirms that this research project has empowered him with knowledge on the topic 'crime intelligence' and what it entails.

This study revealed that information sources can be classified as either open-sources or closed-sources of information, and the collection thereof can be done through overt or covert strategies. The majority of the methods discussed herein are of an intrusive nature, and some require the approval of a judge before such methods could be instituted. It is constantly recommended that investigators should acquire legal advice before the implementation of tactical crime intelligence techniques. Furthermore, this research identified that investigators at the DCOG are dependent on the SAPS for registering of criminal cases and bringing suspects to court. It was also discovered that an intelligence-led approach to corruption investigations will certainly contribute to successful prosecutions in court.

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Interview schedule for investigators (Group A)

Topic: **Exploring the use of tactical crime intelligence techniques in corruption investigations**.

Section A: <u>**Historic Information**</u>

1. What is your current functional department?
2. What position do you hold within the department?
3. What type of investigations do you conduct within the department?
4. Did you undergo any investigation training?
5. If your answer is yes in the previous question, please specify.

Section B: <u>**What is corruption?**</u>

1. What is crime intelligence?
2. Name the different types of crime intelligence?
3. What is your understanding of investigations?
4. Please explain the concept forensic investigation.
5. Please describe what criminal investigation is.
6. In your opinion, what is the goal of an investigation?
7. How would you define corruption?
8. What are the elements of corruption?
9. Briefly explain how you approach corruption investigations?
10. How should tactical crime intelligence be applied during investigations?

Section C: <u>**Tactical crime intelligence**</u>

14. Explain the difference between information and intelligence.
16. Name the phases of the intelligence cycle.
18. How do you collect information for investigation purposes?
19. Name the different sources of information gathering.
20. Please give three types of tactical crime intelligence techniques available for investigations.
21. Explain what tactical crime analysis is?

Interview schedule for experts (Group B)

Topic: **Exploring the use of tactical crime intelligence techniques in corruption investigations**.

Section A: **Historic Information**

1. State your occupation.
2. What training have you undergone?
3. Specify your tertiary qualifications?

Section B: **What is corruption?**

1. Briefly explain the different types of crime intelligence.
2. In your opinion, what is the goal of an investigation?
3. What are the elements of corruption?
4. Would the application of intelligence approaches to corruption investigation have a positive or negative contribution to corruption investigations? Please explain your answer.
5. Name and explain types of intelligence techniques suitable for corruption investigations?

Section C: **Tactical crime intelligence**

8. Name the software available to aid in the intelligence process.
9. Please explain the intelligence phases.
10. Name the different sources of information gathering.
12. What are the legal requirements that need to be considered before applying intrusive information collection techniques?
13. Please explain the concept tactical crime analysis.

ANNEXURE B: UNISA ETHICAL CLEARANCE

UNISA | university of south africa

UNISA CLAW ETHICS REVIEW COMMITTEE

Date 20190801

> **Reference:** ST 67 of 2019
>
> **Applicant:** RM Jacobs

Dear RM Jacobs

> **Decision: ETHICS APPROVAL**
>
> FROM 01 August 2019
>
> TO 01 August 2022

Researcher: Reginald Mario Jacobs

Supervisor: Dr Debby Pheiffer

> **Exploring The Use Of Tactical Crime Intelligence Techniques In corruption Investigations**

Qualification: M-Tech Forensic Investigation

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 CLAW Ethics Review Committee reviewed the **low risk application** on 1 August 2019 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.
>
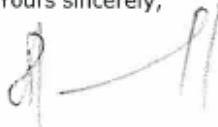> The proposed research may now commence with the provisions that:
> 1. The researcher(s) will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
> 2. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the CLAW Committee.

University of South Africa

3. The researcher(s) 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 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 require additional ethics clearance.

7. No research activities may continue after the expiry date **1 August 2022**. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

Note:

The reference number ST67 of 2019 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.

Yours sincerely,

PROF T BUDHRAM
Chair of CLAW ERC
E-mail: budhrt@unisa .ac.za
Tel: (012) 433-9462

PROF M BASDEO
Executive Dean : CLAW
E-mail: MBasdeo@unisa.ac.za
Tel: (012) 429-8603

ANNEXURE C: GATE KEEPER CLEARANCE

RM Jacobs
6 North Street
Barkly West
8375
01 April 2019

Head of Department
COGHSTA
9 Cecil Sussman Road
KIMBERLEY
8300

DEPT. CO-OPERATIVE GOVERNANCE HUMAN
SETTLEMENT AND TRADITIONAL AFFAIRS
NORTHERN CAPE

0 2 -04- 2019

9 Cecil Sussman Road
Private Bag X5005, Kimberley 8300
RECEIVED BY OFFICE
HEAD OF DEPARTMENT

Dear Mr Lenkoe

REQUEST PERMISSION TO CONDUCT RESEARCH INTERVIEWS AT THE DEPARTMENT OF COGHSTA

I humbly request permission to conduct research interviews at the department. I am registered at the University of South Africa, for Magister Technologiae in Forensic Investigation, under the supervision of Dr D Pheiffer (Department of Police Practice). The research title is: "*Exploring the use of tactical crime intelligence techniques in the investigation of corruption*".

The purpose of the study is to: 1. Explore the problems of corruption and to come up with clear guidelines as to how tactical crime intelligence techniques should be applied during the investigation of corruption. 2. To empower the investigators with knowledge on intelligence-driven approaches to investigations.

The procedure in the study will include the use of semi-structured interviews. The information will be treated as strictly confidential. Interviews will take approximately 1hour per participant.

There are no medical risks or other discomforts with the research.

Your approval to conduct this study will be greatly appreciated. Thanking you in advance.

Yours sincerely

RM Jacobs
Student number: 3723-243-6
(**Researcher**)

RM Jacobs   Application to conduct research at Department of COGHSTA   3723-243-6

Comments:

APPROVAL GRANTED ON CONDITION THAT THE FINAL RESEARCH REPORT COPY THEREOF WILL BE AVAILED TO COGHSTA FOR CONSIDERATION OF THE RECOMMENDATIONS. A HARD COPY BE TABLED TO THE OFFICE OF HOD FOR COGNIZANCE. ALL PROGRAMME & REGIONAL MANAGERS BE DULY INFORMED ABOUT THIS DECISION. IN ADDITION THE ETHICAL CODE OF CONDUCT IN CONDUCTING RESEARCH BE STRICTLY ADHERED TO BY THE APPLICANT.

Approved/Not approved

BS Lenkoe
HOD (COGHSTA)

Date 2019/04/02

RM Jacobs   Application to conduct research at Department of COGHSTA   3723-243-6

ANNEXURE D: TURNITIN REPORT

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EXPLORING THE USE OF TACTICAL CRIME INTELLIGENCE TECHNIQUES
IN CORRUPTION INVESTIGATIONS

by

REGINALD MARIO JACOBS

submitted in accordance with the requirements for the degree of

MASTER OF ARTS

in the subject

CRIMINAL JUSTICE

at the

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: DR DC PHEIFFER

NOVEMBER 2022

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