THE USE OF PHYSICAL SURVEILLANCE IN FORENSIC INVESTIGATION

by

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NOVEMBER 2012
I declare “THE USE OF PHYSICAL SURVEILLANCE IN FORENSIC INVESTIGATION” is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

_________________________  __________________________
SIGNATURE                  DATE
(Mr A.L. Knoesen)
ACKNOWLEDGEMENTS

My honour goes to God the Almighty, who showed me the way and never let go of my hand.

A number of people contributed to the completion of this dissertation. To them my sincere thanks:

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- The South African Police Service, which granted me permission to access the information at their disposal;
- All the respondents, who were willing to grant me the interviews;
- And, finally, a special word of thanks to my children, Stephanie and Jason, who have been my inspiration and have believed in me.

DEDICATION

I dedicate this research to my Provincial Head, Crime Intelligence, Eastern Cape, Major General S.C. Mfazi. It is due to his influence and exemplary leadership that I developed a profound passion for detective work and in particular the activities of the Physical Surveillance fraternity.
ABSTRACT

The problem that was identified is that physical surveillance is not generally used by general detectives in the South African Police Service as a technique during their investigations. According to the researcher’s experience, this can be due to lack of understanding or experience or may stem from ignorance. A lack of training on the use of physical surveillance as a method to obtain information for the investigation process was also identified as a problem. This study therefore investigated the role and use of physical surveillance within the forensic investigation process. The focus of the research was on basic static (stationary), foot and vehicle surveillance as these types of surveillance are usually conducted in conjunction with each other. An empirical research design was used to conduct the research. A qualitative research approach enabled the researcher to obtain first-hand information from interviews with general detectives. Information was also obtained from a thorough literature study and from the researcher’s own experience on the topic.

To conduct effective investigation, it is important for investigators to be familiar with the concept of physical surveillance, its elements, its influence and its values. A physical surveillance operation is a forensic tool used to gather evidence, to recover stolen property, and to identify and arrest the perpetrator. The use of physical surveillance during investigations serves the purpose of gathering evidence and information that can be used as intelligence. Successful forensic investigation requires skill and places extraordinary demands on detectives to utilise all available methods and techniques. The recognition of the use of physical surveillance as a method of evidence gathering is of utmost importance. The research has revealed that general detectives do not acknowledge the importance of physical surveillance as a method to obtain information for the investigation process. It is of vital importance that all detectives be properly trained with the necessary knowledge and skills to make use of this valuable investigative tool.
KEY TERMS

Crime intelligence; criminal investigation; crime analysis; crime threat analysis process; crime pattern analysis; covert; clandestine; electronic (technical) surveillance; evidence; forensic investigation; foot surveillance; information; informer; investigator; investigation process; methods; mobile (vehicle) surveillance; operative; overt; static surveillance; subject; surveillance; surveillance operation; surveillant; suspect; techniques; undercover
### LIST OF ABBREVIATIONS AND ACRONYMS

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<thead>
<tr>
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<tr>
<td>CAS</td>
<td>Crime Administration System</td>
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<tr>
<td>CCTV</td>
<td>Closed-circuit Television</td>
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<td>CI</td>
<td>Crime Intelligence</td>
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<td>CIAC</td>
<td>Crime Information Analysis Centre</td>
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<td>DPCI</td>
<td>Division Priority Crime Investigations</td>
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<td>GPS</td>
<td>Global Positioning Systems</td>
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<td>ISIS</td>
<td>Individuals/Structures Information System</td>
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<tr>
<td>M.Tech</td>
<td>Master of Technologiae</td>
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<tr>
<td>OCU</td>
<td>Organised Crime Unit</td>
</tr>
<tr>
<td>RICA</td>
<td>Regulation of Interception of Communication and Provision of Communication-related Information</td>
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<tr>
<td>SA</td>
<td>South Africa</td>
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<td>SAPS</td>
<td>South African Police Service</td>
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<td>Technikon SA</td>
<td>Technikon Southern Africa</td>
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<td>UK</td>
<td>United Kingdom</td>
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<td>UNISA</td>
<td>University of South Africa</td>
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<td>USA</td>
<td>United States of America</td>
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CHAPTER 1
GENERAL ORIENTATION

1.1 Introduction

Crime, according to Dixon (2009b), is a major issue in South Africa (SA). Distorted by decades of apartheid injustices, the criminal justice system that was inherited by the new democratic government in 1994 made the socio-economic challenge of combating crime difficult to tackle. Furthermore, to cite an example, house robberies increased by 27%, business robberies increased by 41%, and carjacking increased by 5% during the 2008/2009 financial year, a clear indication of the crime problem facing SA. This view is supported by Jordaan (2003:56), who states that crime is one of the most serious problems facing SA society.

The levels and nature of crime in SA, as cited by the South African Police Service (c2002:2), including organised crime pose a serious threat to stability and good governance in our country. The magnitude and sophistication of organised crime are complicated by SA’s unique political and socio-economic history, in which the former law enforcement intelligence and/or security entities’ primary focus was more directed towards securing and maintaining the political status quo of the former apartheid state than towards focusing on organised crime.

The increase and/or change in the character of organised crime during the period of transition is not a phenomenon that is unique to SA, but is a well-known global phenomenon. As international organised crime activities have increased in sophistication and means during the past decade, so have organised crime activities increased in SA (South African Police Service, c2002:2).

Changes such as the electronic revolution, borderless globalisation and progressive transport technology have had an innovative and evolutionary influence on criminal
activities in SA since 1994. This is reflected in crime statistics that are recorded, researched and annually released in Parliament and which are widely broadcasted by the public news media (South African Police Service, c2002:2).

Successful criminal investigation requires specialised skill and places extraordinary demands on detectives to utilise all available methods and techniques. “Criminal investigation” refers to an entire process of obtaining information in order to reveal the truth of a crime situation (Van der Westhuizen, 1996:2). Physical surveillance is one of the techniques that an investigator can make use of to gather evidence in the investigation process. Physical surveillance entails three distinctly diverse, yet compatible, modes of application; for example, vehicle-, foot- and static surveillance, the latter of which are well-known techniques that requires the physical human observation of a subject (Siljander & Fredrickson, 2002:3).

Siljander and Fredrickson (2002:8) are of the view that physical surveillance is an invaluable investigative technique which must be managed with the utmost care, taking into consideration potential risks pertaining to all crime investigation dynamics. The main reasons for conducting physical surveillance, according to these authors, are to obtain information, or develop leads and to obtain evidence of a crime that has been committed, or to observe a crime actually being committed.

1.2 Problem statement

The researcher, who has been a member of the South African Police Service (SAPS) for 26 years, of which 15 years were dedicated to the protocols of physical surveillance, has practically observed and experienced this increase and pattern change of crime in South Africa. The researcher, based on his own experience, holds that this technique, i.e. physical surveillance, is underutilised in the SAPS. Physical surveillance, with its extensive mode of application, is well suited to assist criminal investigators in combating most of the serious crimes, including organised crime.
The researcher believes that a general detective should have the skills and knowledge to conduct the most basic types of physical surveillance; namely, static surveillance (also known as stationary surveillance) independently of electronic surveillance, foot and vehicle surveillance (excluding air and water surveillance for the purpose of this study). It is also the researcher’s experience that static, foot and vehicle surveillance is often combined because these techniques can flow in and out of each other. Gilbert (2004:448) explains that the techniques are usually not used exclusively; for example, static surveillance can be used until a subject emerges, the subject can be on foot (at which point foot surveillance is used) and then decide to take a taxi and drive to a destination (followed by vehicle surveillance).

In the course of his practical experience, the researcher observed a tendency among general detectives not to utilise physical surveillance as a technique. The reason may be a lack of understanding, experience or ignorance of the technique. The researcher further established that general detectives in the SAPS do not receive adequate training on the techniques of physical surveillance. The researcher perused the formal detective training course curriculum (South African Police Service, c2004) and discovered that the topic of surveillance is only mentioned briefly in the said curriculum. According to the Division Training: Detective Services, there are no in-service training initiatives related specifically to physical surveillance.

Govender (2008:1), in a study focused on the Rustenburg detective service, identified shortcomings related to the collection, processing and utilisation of crime information in the investigation of crime process, which resulted in poor detection performances. Govender’s findings are supported by the researcher’s observation. In the researcher’s view physical surveillance, owing to its extensive scope of application, can be utilised to address the collection of crime information aspect of the problem.

Currently, the units in the SAPS which specialise in surveillance activities are attached to the Division Crime Intelligence. The general detective can only be tasked or activated
through Crime Intelligence (CI) units. These surveillance units are normally small entities with limited resources, which thus barely impact on crime in general. It is therefore of utmost importance that general detectives be capable of conducting physical surveillance themselves.

Siljander and Fredrickson (2002:1) explain the American situation, where ordinary detectives who are responsible for the investigation of general crimes in the United States of America (USA) are trained and encouraged to use their own initiative in conducting physical surveillance operations. Ordinary detectives in the USA are also trained to be proficient in the use of electronic gadgetry to improve their surveillance capacity. The authors conclude that physical surveillance is one the most essential resources that criminal investigators and police officers have available in the investigation of crime. It is apparent that policing departments within the USA not only acknowledge the importance of physical surveillance as a resource to combat crime, but also utilise this resource effectively. The research problem explored in this study thus relates to the need among detectives for proper procedures on how to conduct static (stationary), foot and vehicle surveillance during the forensic investigation process within the SAPS.

1.3 Aims of the Research

According to Leedy (1993:11), the aim of research is to determine new facts and correct interpretations of acknowledged conclusions, theories or laws in light of newly revealed facts or the practical application of such conclusions. In view of the current underutilisation of physical surveillance, as a technique, during investigations by the SAPS, the primary aim of this research is to provide factual and well-researched information to SAPS management regarding the potential and scope of surveillance as a supplementary technique to achieve investigation objectives and successes. The researcher therefore determined what the role of physical surveillance within forensic investigation is. A secondary aim is to determine how physical surveillance should be conducted to obtain information for the investigation process. The aim of this research
study is to only focus on static, foot and vehicle surveillance because these techniques are often used in combination with each other.

A third aim is to make recommendations on the basis of the conclusions drawn from the study. It may convince the SAPS management to set up and provide guidelines, manuals and training schedules for investigators to be trained in the theoretical aspects as well as the practical employment of physical surveillance. The ultimate aim is to broaden the current ambit for the use of physical surveillance within the SAPS.

1.4 Purpose of the Research

According to Denscombe (2002: 25), the purpose of research indicates the direction and focus of an investigation. It further provides the criteria according to which the outcome of the research will be evaluated. The main drive behind a piece of research is sometimes the desire to solve a practical problem or to improve procedures. Maxfield and Babbie (1995:70) point out that criminal justice research can have more than one purpose, such as exploration, description, explanation and application. The purpose of this research is twofold: the first purpose is application because the study is conducted to improve procedures and to solve a practical problem in the investigators’ working environment. The second purpose is empowerment because the study intends to empower detectives with knowledge and skills with regard to the role and application of physical surveillance during investigations.

1.5 Research Questions

Noaks and Wincup (2004:122) state that researchers should think ahead to the areas of thematic interest that they envisage addressing. According to Denscombe (2002:31), research questions should be there to give a full and precise, detailed account of the nature of the work that is to be undertaken. The following research questions were formulated to address the problem that was identified:
• What is the role of physical surveillance within forensic investigation?
• How should physical surveillance be conducted to obtain information for the investigation process?

1.6 Key Theoretical Concepts

Hofstee (2006:88) writes that the purpose of defining key theoretical concepts is to make sure that the readers of the dissertation and the researcher have the same understanding of the meaning of these concepts.

The following important concepts were defined for the purpose of clarity.

1.6.1 Forensic investigation

“Forensic investigation is an investigation aimed at instituting court proceedings (criminal as well as civil) and where some or other scientific knowledge is applied to a legal problem” (Lambrechts, 2001:93).

1.6.2 Physical surveillance

“Physical surveillance is the human act of secretly and continuously or periodically watching persons, vehicles, places, and objects to obtain information concerning the identities and activities of individuals” (Lee, 2004:97).

1.6.3 Mobile surveillance

“Mobile surveillance operations are conducted on foot, by vehicle, or a combination of both. Vehicle surveillance operations are usually conducted to determine a target’s
general travel patterns and are usually employed at the outset of an operation. A combination of foot and vehicle surveillance is usually used” (Van Rooyen, 2001:188).

1.6.4 Static surveillance

“Static surveillance takes place when a static position is established to observe the actions of a target. A fixed observation point may also be established” (Van Rooyen, 2001:188).

1.6.5 Surveillant or operative

“The surveillant or operative is the person who maintains the surveillance or performs the observation” (O’Hara & O’Hara, 2003:227).

1.6.6 Subject

“The subject is the person or place being watched” (Bennet & Hess, 2004:175).

1.6.7 Crime information collection

“Crime information collection is the act of gathering information that will be used to produce a crime analysis product for use by law enforcement” (Peterson, 1994:270).

1.6.8 Crime intelligence

“Crime intelligence is defined as that intelligence used in the prevention of crime or to conduct criminal investigation and to prepare evidence for the purpose of law enforcement and the prosecution of offenders” (South African Police Service, c1998:11).
1.6.9 Crime

“A crime is an act in violation of penal law and an offence against the state. The broader use of the term includes both felonies and misdemeanours. A crime is a violation of a public right or law. It is an act or omission forbidden by law and punishable by a fine or imprisonment” (Bennet & Hess, 2004:4).

1.6.10 Covert

“The term implies the acquisitions of information which cannot be obtained by overt means and for which complete and continuous secrecy is a requirement.” (South African Police Service, c1998:11).

1.6.11 Surveillance

“Surveillance is the constant and intensive monitoring of a target over a given period through human and electronic means.” (Calitz, 1986:3).

1.7 Research Approach

The researcher had to make a choice between a quantitative and a qualitative research approach. The researcher decided to make use of the qualitative approach because, according to Creswell (1998a:15), the qualitative approach involves the study, use and collection of a variety of empirical material, through personal experience and interviews, that describe the problem and meaning in practice. The researcher therefore decided to interview general detectives to obtain information for this research. It enabled the researcher to obtain first-hand information from the practical experience of the participants on the topic, as explained by Mouton and Marais (1992:162).
1.8 Research Design

Maxfield and Babbie (1995:4) state that the empirical research design is produced of knowledge based on experience or observation. “Empirical research is one way of knowing bits and pieces of criminal justice,” according to these authors. “Empirical research involves the idea of getting out of the chair, going out of the office and purposefully seeking the necessary information out there” (Denscombe, 1998:27).

The researcher therefore made use of the empirical research design to establish the nature and extent of the problems experienced by general detectives in the use of physical surveillance during forensic investigation. This research design allows the researcher to obtain first-hand information on the topic. The researcher achieved this by interviewing the participants to obtain first-hand information on the topic from their practical experience.

1.9 Target Population

Mouton (1996:134) describes a “population” as a compilation of things, events or individuals having some general feature that the researcher is interested in studying. Welman and Kruger (2000:122) states that the target population is that to which the researcher ideally would like to generalise his results. The population for this research should be all general detectives in the SAPS because they are responsible for investigation of crime. However, Welman and Kruger (2005:46) explain that the size of a target population usually makes it impractical and uneconomical to involve all members of the population in a research project. Welman and Kruger (2005:46) further state that the population is the study object, which may be made up of individuals, groups, organisations, human products and events, or the conditions to which they are exposed.

The researcher works in the East London area and for cost and convenience sake decided that the target population would be all general investigators attached to the following
three cluster police stations: East London, Cambridge and Mdantsane in the East London city area of the Eastern Cape. Within the SAPS cluster stations are responsible for other feeder stations. A total number of 100 general detectives are stationed at the three cluster stations respectively. A sample was drawn from the target population as explained below.

1.10 Sampling

The researcher decided to make use of the simple random sampling method as described by Leedy and Ormrod (2001:198) and Welman and Kruger (2005:46), to obtain a sample from the target population of 100 general detectives. Simple random sampling is the most basic probability sampling technique since each general detective will have an equal opportunity of being included in the simple random sample. According to Bailey (1987:87), all that is required to conduct a random sample, after an adequate sampling frame is constructed, is to select persons without showing bias for any personal characteristics. The researcher therefore wrote the names of the detectives at the three different stations on equally sized pieces of paper, put them in separate boxes and drew 10 names from each station. Miller and Whitehead (1996:115) agree that the probability sample should be representative of the population from which it is selected. The researcher literally chose the sample at simple random, in this way ensuring that it was representative of the population.

1.11 Data Collection

The researcher made use of the most common qualitative research techniques, which are conducting interviews, reviewing literature sources and documenting practical experience, as described by Clarke (1999:67). Leedy and Ormrod (2005:99) are of the view that triangulation, the use of more than one method to obtain data, will enhance the validity of the research data. For the purpose of this research it was decided that
interviews coupled to a thorough literature study would be the most appropriate data-collection techniques to use.

1.11.1 Literature review

For the purpose of this study data collection in the literature review consisted of a compilation of all relevant articles pertaining to the topics of physical surveillance, forensic investigation, policing and local legislation. The researcher began by looking at local legislation and provisions that are made regarding physical surveillance actions, and supplemented this with a thorough literature search on the internet guided by the aims and research questions. Furthermore, the researcher utilised academic and training study material. The researcher made use of literature and information available internationally as well as in SA.

1.11.2 Interviews

According to Babbie and Mouton (2005:298), the basic individual interview is one of the most frequently used methods of data gathering within the qualitative approach. The proposed interviews were conducted through in-depth one-on-one semi-structured interviews with 30 randomly selected general detectives from the East London area. The average age of the participants was between 30 and 40 years of age; the average experience as an investigator was 15 years; and only one of participants was older than 50 years old. There were 27 males and only three female participants. The fact that only three participants were female does not have any influence on this study because female and male investigators do the same type of work. The participants were all well experienced.

Examples provided by the participants of the types of cases investigated by them were murder, culpable homicide, robbery, house breaking and theft, assault with intent to do grievous bodily harm, indecent assault, crimen injuria, rape, malicious injury to property,
fraud, vehicle theft, domestic violence, kidnapping, abduction, public violence, corruption, drugs and drug trafficking, possession of suspected stolen property, vehicle-related offences such as driving under the influence of intoxicating substances, and offences relating to arms and ammunition. The researcher is of the opinion that physical surveillance can be used as a method to obtain information in most of these cases as mentioned above.

The research questions were used as headings in the interview schedule to ensure that they were addressed in the research. In accordance with National Instruction 1/2006 of the SAPS, prior permission to record these interviews was obtained from the relevant authorities and is attached as per Annexure F. The interview schedule was perused by the supervisor(s) for correctness of questions. The schedule was also pre-tested with three general detectives who were not part of the sample, as advised by Mouton (2001:103).

During the interviews the researcher used an informal approach to gather as much information as possible from the participants. The researcher studied and adhered to the general rules for face-to-face interviews of Babbie and Mouton (1998:249). These rules included aspects of the interview such as the role of the interviewer, the researcher’s familiarity with the questions, following question wording exactly, the objectivity of the researcher and guidelines on the recording of responses. The interviews took place at the workplace of the participants and the responses of the participants to the questions were written down by the researcher.

1.11.3 Personal practical experience

The researcher founded the Physical Surveillance Unit of the SAPS that falls under CI in East London in 1995. The researcher as a Lieutenant Colonel made use of the personal practical experience that he had gained as a 22-year-long serving member in the Crime Intelligence Unit of the SAPS in the Eastern Cape Province to the benefit of this research.
1.12 Data Analysis

Mouton (2001:108) states that analysis involves “breaking up” the data into manageable themes, patterns, trends and relationships. The aim of analysis is to understand the various constitutive elements of one’s data through an inspection of relationships between concepts, constructs or variables, and to see whether there are any patterns or trends that can be identified or isolated, or to establish themes in the data. Cooper and Schindler (2003:454) explain that in the research design stage or at least by completion of the research proposal, decisions should have been made on how to analyse the data. In the case of this research study the researcher organised the data on a spreadsheet that allowed a breakdown of large bodies of text into smaller units. Possible categories arose from this and the data was classified accordingly. According to Cooper and Schindler (2003:454), these activities ensure the accuracy of the data and their conversion from raw to reduced and classified forms that are more appropriate for analysis. Furthermore Singleton and Straits (1999:455) state that data analysis takes place whenever theory and data are compared.

Cooper and Schindler (2003:87-88) are of the view that researchers must interpret findings in light of the research question(s) or determine if the results are consistent with their hypotheses and theories; in this case the researcher compared the results with the research questions he had drawn up at the beginning of the research. The result of the analysis and interpretation process was documented as findings.

1.13 Methods taken to Ensure Validity

Validity concerns the accuracy of questions asked, the data collected and the explanation offered. Generally it relates to the data and the analysis used in the research (Denscombe, 2002:100).
The questions in the interview schedule were guided by the aims and research questions, as was with the literature that was obtained for this research. Following this process ensured that the researcher obtained relevant information and that the study measured what was supposed to be measured, thus enhancing the validity of the research. The fact that the interview schedule was pre-tested and also perused by the supervisor(s) further ensured correctness of the measuring instrument. The data was analysed according to a recognised data analysis process, as explained in Section 1.11 above.

Once themes had been identified the relevant articles and books were revisited and critically scrutinised to determine how the relevant data from different authors, about the same subject, fared against each other. The data analysis was made on the basis of data collected through interviews, literature and practical experience (Mouton, 2001:110). Every effort was made to ensure that the research information collected was valid and accurate while maintaining all ethical considerations. The researcher remained as objective as possible throughout the research. The use of more than one method, also known as triangulation, strengthens the validity of the research (Leedy & Ormrod, 2005:99).

1.14 Methods Taken to Ensure Reliability

According to Denscombe (2002:100), reliability relates to the methods of data collection and concerns that they should be consistent and not distort the findings. Commonly it entails an evaluation of the methods and techniques used to collect the data. Leedy (1985:26) is of the opinion that “reliability deals with accuracy.” The researcher ensured that the instrument for data collection, namely interviews, was administrated in a consistent fashion (Leedy & Ormrod, 2005:93). A semi-structured interview schedule based on the aims and research questions was designed as a measuring instrument to record the experience and expertise of the participants in this study. It ensured that the same questions were asked to all the participants so that if someone else repeated the research they most likely would obtain the same results.
The participants were not forced or influenced to answer any questions. The responses of the participants were documented through the use of proper notes, and presented in such a manner that if another researcher were to use the notes they would be able to obtain the same results. According to Noaks and Wincup (2004:171), “the process of data collection, analysis and writing is intricately bound.” The literature which was used in this research was chosen because it relates to the aims and research questions. The literature is reliable since it was obtained from libraries and academic institutions nationally and internationally and is acknowledged throughout the report.

1.15 Ethical Considerations

Ethical considerations in the research were addressed as the researcher was aware of the ethics related to conducting one’s own work and also adhered to the University of South Africa’s (Unisa) code of conduct for researchers, as described in the Policy on Research Ethics (2007). This was achieved by emphasising these aspects of protecting the identity of participants (anonymity) if so requested by them in accordance with the National Instruction 1/2006 of the SAPS.

According to Cooper and Schindler (2003:120), all parties involved in research should demonstrate ethical behaviour. These authors further state that ethics are norms and standards of behaviour that guide moral choices about our behaviour and our relationships with others. The goal of applying appropriate ethical codes in research is to ensure that no one is harmed or suffers adverse consequences from research activities. However, unethical activities are pervasive and include violating non-disclosure agreements, betraying participants’ confidentiality, misrepresenting results, producing deceptive results, deceiving people, invoicing illegal transactions, avoiding legal liability, and more.

Failure to obtain the permission from participants would have destroyed the internal and external validity of the results obtained (Welman & Kruger, 2005:172). There are special
ethical considerations applicable to this study. Participants were presented with a consent and non-disclosure statement clause, which covered an understanding of their participation in the research study and that complete anonymity was assured. Participants were also informed that should they require any information relating to their participation, they needed to contact the researcher and that those who took part in the study did so voluntarily. In all aspects the researcher respected and fulfilled all these undertakings and adhered to the policies and procedures for postgraduate studies. When information from authors was used, acknowledgement was given to the author(s). In adhering to the above, the researcher ensured that he did not commit plagiarism.

1.16 Chapter Layout

The chapter layout of the study summarises the content that is presented and discussed in each of the chapters outlined below.

**Chapter 2: The Role of Physical Surveillance within Forensic Investigation**

This chapter deals with the following important aspects: the role and meaning of physical surveillance, reasons for conducting physical surveillance, the use of surveillance, principles of physical surveillance, law requirements for conducting surveillance, the meaning of criminal investigation and forensic investigation and the difference between these concepts, objectives of investigation and the responsibilities of an investigator.

**Chapter 3: Conducting Physical Surveillance to obtain Information**

This chapter reviews how one should conduct surveillance and how surveillance is used as an investigation technique. It evaluates the value of physical surveillance as an investigative technique and assesses the evidential value derived from this technique during the investigation process. It also examines the types of guidelines (hints) for physical surveillance that exist.
Chapter 4: Findings and Recommendations

This chapter summarises the findings of the research and draws conclusions and makes recommendations based on the information obtained from the literature and interviews with participants. Suggestions for further research are also included in this chapter.
CHAPTER 2
THE ROLE OF PHYSICAL SURVEILLANCE WITHIN FORENSIC INVESTIGATION

2.1. Introduction

Physical surveillance is centuries old and is one of the techniques that an investigator can make use of to gather evidence in the investigation process. Physical surveillance entails three distinctly diverse, yet compatible, modes of application, i.e. vehicle-, foot- and static surveillance. Static surveillance is a well-known technique that requires the physical human observation of a subject (Siljander & Fredrickson, 2002:3). According to O’Hara and O’Hara (2003:227), the main reasons for conducting physical surveillance are to obtain information, or develop leads and to obtain evidence of a crime that has been committed, or to observe a crime actually being committed.

Several types of surveillance are in existence. Zonderman (1998:138) and the articles Informants and Surveillance (2007) and Surveillance (2010) list the following types of surveillance recurrently used: audio, infra- or ultra-sound, sonar, chemical and biological, biometrics, computer surveillance, aerial surveillance, surveillance cameras, human operatives, satellite imagery and counter surveillance. According to Fijnaut and Marx (1995:96), electronic surveillance is perceived by the public as being deceptive. The focal point of this research is on the use of physical surveillance during forensic investigation.

Crime investigation began in England during the 18\textsuperscript{th} century, a period known for its numerous social, political and economic changes (Swanson, Chamelin & Terito, 2003:3). The SAPS Detective Learning Programme learners guide for informer handling (South African Police Service, c1998:51) states that crime investigation involves a search from the known to the unknown, from the present to the past, for the truth, in as much as it is possible, found on the historical basis of the occurrence. An investigation is primarily
concerned with clarifying the situation in which the occurrence took place. An investigation thus consists of observation and inquiry aimed at obtaining factual information concerning allegations, circumstances and associations. An investigation includes the actual gathering and evaluation of information (South African Police Service, c1998:50).

The following important aspects of physical surveillance and forensic investigation are discussed in this chapter, the role and meaning of physical surveillance, reasons for conducting physical surveillance, the use of physical surveillance as an investigative tool, principles of physical surveillance as a method, the law a surveillant must know, criminal and forensic investigation, the difference between criminal and forensic investigation, responsibilities of investigators and the objectives of investigation. The chapter further illustrates that physical surveillance contains all the elements that are required to be categorised as a valuable tool within the forensic investigation process, and that physical surveillance is appropriate for both criminal and civil investigations.

2.2 The Role of Physical Surveillance

2.2.1 Meaning of physical surveillance

Siljander and Fredrickson (2002:3) explain that physical surveillance is a centuries old undercover art that remains an art in spite of the remarkable selection of sophisticated aids made available by modern technology. The New English Usage Dictionary (2001:969) defines undercover as: “acting secretly, acting as a spy.” Collins Thesaurus A-Z Discovery (2005:745) elaborates more on the meaning and defines undercover as: “secret, covert, clandestine, private, hidden, intelligence, underground, spy, concealed, confidential”. It is clear from the definitions that secrecy and spying are integral to undercover operations. The article Informants and Surveillance (2007) stresses that physical surveillance actions are in their own right undercover operations, owing to their clandestine procedures.
O’Hara and O’Hara (2003:228) are of the opinion that physical surveillance may best be defined as the surreptitious visual observation of people, their vehicles and premises. Physical surveillance is the monitoring of behaviour. The word “surveillance” stems from French and literally means “watching over” (Surveillance, 2010). The term refers to all forms of observation and monitoring. It includes electronic surveillance, direct observation and observation with binoculars. The word is often used to describe all forms of observation or monitoring, not just visual observation (Informants and Surveillance, 2007). Gilbert (2007:382) argues that surveillance is a secretive, close watch kept over persons, objects and locations. New English Usage Dictionary (2001:887) likewise defines surveillance as: “a close watch kept on someone or something”.

The 30 participants were asked for the meaning of physical surveillance. Their answers on this question are summarised below.

There were 11 participants who indicated that physical surveillance is the observation and monitoring of a subject’s movements or actions in order to gain further information without being noticed. Three participants were of the view that physical surveillance comprises watching and listening. For these participants monitoring may be undertaken remotely or from space, with the aid of image-amplification devices such as field glasses, infrared binoculars, light amplifiers, satellite cameras, and sound-amplification devices such as directional microphones which are set remotely in time, with the aid of image and sound-recording devices. Two participants suggested that physical surveillance it is follow a subject physically, tracing their movements and checking the type of activities that the subject is involved in. Three participants mentioned that “physical surveillance” refers to the observation of a specific group, person or even an area. A further two were of the opinion that it is an observation of a person or group with the intention of trying to find out what they are doing and where they are going. Another four participants mentioned that it is the watching or monitoring of a specific suspect’s movements and conversation while capturing footage of a possible incident via closed-circuit television.
(CCTV) or still images by means of either a security system or undercover officials. A further three participants said that it is to obtain admissible evidence by gathering information on individuals and premises to enable an execution of a search warrant. One participant mentioned that it is the observation of a person, crime scene, event or activity, either through personal action or through the use of surveillance gadgetry and furthermore mentioned that it is mostly performed in a covert fashion but can also be overtly conducted to establish behavioural patterns such as consumer-buying patterns, or driver behaviour at a specified intersection. One participant had never heard of the term “physical surveillance” and only knew about observation through surveillance.

From the information provided by the 30 participants it is evident that physical surveillance can include various elements. The participants described the meaning of physical surveillance differently. In the opinion of the researcher the views of the 30 participants regarding the meaning of physical surveillance can be summarised as follows.

Physical surveillance is information that is obtained without being noticed. The use of aids such as binoculars and satellite cameras during surveillance is important. Suspects can physically be followed to trace movements. The skills of watching and listening were mentioned. Physical surveillance can include the fact that a person or even a group of persons is physically followed to trace their movements and activities. Physical surveillance can also mean that footage is captured by a security surveillance system or information obtained by a person. Physical surveillance is conducted to gather intelligence that can be used as admissible evidence and to obtain a search warrant for the arrest of a suspect. Observation is a key element of physical surveillance. An important aspect that was mentioned is the fact that suspects behavioural patterns can be determined; for example, what he or she is buying. From this summary it is clear that the participants have a good idea of what physical surveillance means.
2.2.2 Reasons for conducting physical surveillance

According to Calitz (1986:3), “a surveillance action can be described as the purposeful, planned and systematic process, techniques used by investigators in order to obtain reliable information about a person, organisation, instance, place, state to satisfy a particular investigation demand.”

Physical surveillance is a useful method for investigating criminal activity and gathering evidence (Surveillance, 2010). Gilbert (2007:382) embraces the view that surveillance is one of the most frequently used techniques to secure arrests and convictions. According to O’Hara and O’Hara (2003:227), in criminal investigations the crimes which usually require physical surveillance are gambling, prostitution, drug trafficking and businesses that are used as a front to hide actual crimes being committed. (In this case, physical surveillance is used to expose actual crimes that are being committed.) The researcher agrees with this, but is of the view that general detectives in South Africa do not utilise surveillance as a method to obtain information as often as they should be. The researcher has found that suspects often use companies such as cellular phone shops, hairdressing salons or bars as a front to hide their criminal activities and utilising physical surveillance methods has exposed the suspects’ criminal activities in previous investigations.

According to the authors Van der Westhuizen (1996:97), Siljander and Fredrickson (2002:8), O’Hara and O’Hara (2003:227), Bennet and Hess (2004:173,174) and Gilbert (2007:384), some reasons for conducting physical surveillance include, but are not limited to, the following:

- Obtaining admissible evidence;
- Obtaining information or developing leads;
- Verifying the information of the informant;
- Controlling and safeguarding the activities of a police trap;
- Obtaining evidence of a crime that has been committed;
• Observing a crime actually being committed;
• Corroborating information;
• Establishing the existence of a violation;
• Obtaining probable cause for a search warrant;
• Gathering information on individuals and/or premises prior to the execution of a search warrant;
• Apprehending violators during the commission of illegal acts;
• Identifying the suspects’ associates;
• Locating persons, places and objects;
• Rendering protection and support to informers;
• Obtaining information for later use in interrogations;
• Profile-building suspects;
• Preventing crime;
• Checking loyalty and reliability of informers;
• Gathering evidence by observing the activities within a premises;
• Protecting and documenting the movement of an undercover agent; and
• Obtaining information for future use.

The abovementioned reasons are also provided by Siljander and Fredrickson (2002:128) and Gilbert (2007:384). These authors also provide a few extra specific objectives, which must be mentioned:

• Identifying buyers of illicit drugs;
• Obtaining information on the subject;
• Identifying sources of drug supplies; and
• Developing investigative leads.

McConville and Wilson (2002:71) comment that surveillance can also be used not just to obtain specific evidence against a target that is suspected of having committed or is in the process of committing a crime, but also to gather information that may, at a later date,
prove useful to investigators. Such information is held on databases created for use for later investigations. The researcher agrees that this is an important function of physical surveillance. Unfortunately, his research into this function revealed that the database information within the SAPS is updated and kept by Crime Information Analysis Centre (CIAC) and that general detectives in South Africa do not have effortless access to information on the database and do not utilise the database to obtain information as often as they should.

The 30 participants were asked the reason for conducting physical surveillance. Their answers on this question were summarised as follows;

There were 15 participants who indicated that the reason for conducting physical surveillance is to obtain facts and information that is obtainable through the use of conventional investigation methods and the collection of additional information and intelligence when the investigator has exhausted all other conventional investigation techniques. Six participants were of the opinion that it is to confirm information that a suspect is part of a syndicate or group to establish the existence of a crime or follow up on information acquired to try to build a case against a suspect. A further five participants were of the opinion that physical surveillance is conducted to gather information that can be utilised later during interrogation. A further three participants believed it is to locate the residence of a suspect or to identify the distribution place where drugs are stashed and to obtain the modus operandi of a suspect. One participant added: to test the reliability of an informer network.

From the information provided by the 30 participants it is apparent that all the participants understood that physical surveillance can contribute to gathering evidence and information during the investigation process. The reasons that were provided by the participants correspond with the information extracted from the literature.
The researcher has attached surveillance reports (see Annexure D and Annexure E) as practical examples of reports and photo albums produced by the Physical Surveillance Unit. Surveillance report 1/03/02 (attached as Annexure D) was used to corroborate information that the constable was giving to his commander regarding his movements with an informer. The subject was suspected of being corrupt. Surveillance report 3/08/05 (attached as Annexure E) reports on a surveillance operation to identify the subject’s associates, build a profile of subjects and obtain the modus operandi of the subject’s movements. The subject was convicted of six fraud and five theft cases. The surveillance report assisted in identifying other co-accused.

Surveillance is usually conducted for a number of reasons; as Gilbert (2004:446-447) explains, in some cases a substantial amount of information is needed while in other cases only a few scraps of information are required to conclude certain processes of the investigation. Each investigation is unique and therefore no prescriptions should apply to when and when not this information-gathering technique is employed. Siljander and Fredrickson (2002:8) believe that the opportunity to obtain information and evidence is lost to a great extent if investigators are not using physical surveillance properly, as it also has a negative effect on the solving rate of crime if all the techniques that are available are not used to address the crime.

2.2.3 The use of physical surveillance as an investigative tool

According to O’Hara and O’Hara (2003:226), with few exceptions, physical surveillance should most often be used when other investigative techniques or methods have failed to produce the desired information. The researcher is of the opinion that physical surveillance should be the last resort of investigation technique. The article Informants and Surveillance (2007) stipulates that it is usually after an investigator has exhausted all reasonable efforts and methods that this investigative technique is employed. When all these avenues have been tried with no real results, the investigator will often seek to obtain the desired information by means of employing physical surveillance. Physical
surveillance is not normally a complete or absolute means to an end, but simply aids one in attaining an end result (Siljander & Fredrickson, 2002:3-4).

Lee (2004:97) believes that the investigators of drug-related crimes use physical surveillance more often than investigators of other crimes such as burglary or robbery where the suspects are normally not known. However, some authors, such as Buckwalter (1983:122) and Gilbert (2007:182), are of the opinion that physical surveillance should be conducted and is an important tool as soon as the identity of the suspect has become known but where lack of evidence is preventing the arrest. Physical surveillance can therefore form part of the investigation before the suspect is arrested.

ACM IV Security Service (1993:10) comments that many investigations are conducted for months and even years before enough information is developed to warrant surveillance of a subject. Surveillance is normally employed after an investigation has matured to the point at which all investigative leads have been exhausted without developing the necessary evidence. Surveillance at this point is the investigative tool that is exercised to unfold the missing pieces of information that pure investigative research was unable to uncover.

According to Informants and Surveillance (2007), the pre-arrest surveillance is usually conducted for the purpose of establishing the suspect’s daily routine. Siljander and Fredrickson (2002:16-17) confirm that knowledge of this routine will enable the investigator to plan the suspect’s arrest far better than otherwise and to ensure that he is at his residence or work when the arrest or search is carried out.

The 30 participants were requested to discuss when they would use physical surveillance as an investigation tool. They provided the following answers.

There were two participants who indicated that the method is effective to address the “faceless” subject and his or her associates, because it is a hands-off approach. Fifteen
participants were of the view that physical surveillance operations give the investigators a holistic overview of the compilation of a syndicate and identify role players while a further 13 participants mentioned that physical surveillance operations give investigators the opportunity to address all the role players within the syndicates’ chain of command successfully, from the lowest level to the syndicate leaders.

All the participating general detectives agreed that physical surveillance operations are an effective tool for addressing organised crime syndicates. The researcher is of the opinion that there is a general misconception shared by investigators that keeping a subject in view while he or she goes about his or her daily activities is an easily accomplished task. Keeping a subject under constant surveillance is one thing, but to keep the subject under surveillance without them becoming aware of the fact is quite another (Calitz, 1986:4). The researcher has found that investigators that have worked with the physical surveillance team empathise with the difficulty of the work they perform.

The Detective Learning Programme of the SAPS (South African Police Service, c2004:30), in conclusion, states that a failed attempt at physical surveillance results in two important disadvantages:

- The amount of time spent (investigating) is lost within a few minutes; and
- The whole situation usually deteriorates to such an extent that the suspect is now aware of surveillance and will improve his precautionary measures when conducting any of his illegal activities in future.

The researcher is of the opinion that if members are properly trained in the use of physical surveillance the potential for the abovementioned situation occurring will be minimised, in this way saving the SAPS time and money. The researcher furthermore is of the opinion that if the general detectives are properly trained in the technique of physical surveillance, their use of the Physical Surveillance Unit will be minimised, allowing the Unit to concentrate on more complex and specialised crime syndicates.
2.2.4 Principles of physical surveillance

According to Calitz (1986:3), the following are the reasons why physical surveillance is a reliable and important method of gathering information:

- The surveillant is simultaneously the collector of information;
- The information is accurate and real time, enabling the surveillant to collect what he needs;
- The information cannot be obtained through the usual collection methods; and
- From a security point of view the information stays in own hands.

Van Rooyen (2001:89) also mentions the following basic principles on which a physical surveillance operation is based:

- It is conducted in secrecy;
- It must go undetected by the target;
- A surveillance effort is usually abandoned if the target detects it; and
- The surveillance operation must blend in with the environment.

The 30 participants were asked to mention the basic principles on which physical surveillance is based. They provided the following answers.

There were two participants who indicated that it would be a better means of storing evidence while 17 participants were of the view that physical surveillance is based on the principle of observing a subject in a covert manner without being detected, and capturing and recording the occurrence as it takes place in real time. A further three participants believed from a security point of view that an important principle is that the information is not leaked as it stays in one’s own hands. Eight participants mentioned that they could not answer the question and answered that the basic principles of physical surveillance are unknown to them.
The researcher is of the opinion that the reason for the participants’ lack of knowledge of this technique is, as far as the researcher could determine, physical surveillance was only added to the general detective training curriculum in 2004. According to the curriculum the subject is given a period of two days of lectures. This is far too short for effectively teaching this specialised technique. The late introduction of the subject to the curriculum and sparse attention given to the subject in the curriculum may therefore contribute to the fact that detectives are not well trained on physical surveillance as a technique.

On the basis of the literature consulted, the information obtained from the interviews and his own experience, the researcher is of the opinion that a physical surveillance operation is a covert investigative technique used to expose, detect and investigate crimes in secrecy. It entails the monitoring and gathering of evidence against a subject. It is clear that physical surveillance is an unusual technique that is used to gather evidence, information and intelligence against suspects. Physical surveillance therefore consists of a broad scope of activities. The nature and/or the location of the surveillance to be conducted will determine the strategy to be followed.

2.2.4.1 \textit{Information that can be obtained}

The researcher has attached surveillance reports with reference 1/03/02 (Annexure D) and 3/08/05 (Annexure E) as practical examples of a report and photo album of the Physical Surveillance Unit. These reports illustrate the kind of information that can be obtained during a surveillance operation. Readers should take note that although the case studies referred to hereinafter are based on authentic cases, the names of the people involved and the core circumstances were altered to protect both the identities of the persons involved and to rule out identification of the cases. Character names and situations are fictitious. As can be seen the reports consist of dates and exact times of the movements of the suspects and would confirm the abovementioned points of authors Calitz (1986) and Van Rooyen (2001). Also see Annexure C for the outline of the
surveillance report. The following section outlines the different laws that guide a surveillant during physical surveillance operations.

2.2.5 The surveillant must know the law

Siljander and Fredrickson (2002:9) are of the opinion that the surveillant must be knowledgeable about the various laws governing surveillance activities, such as trespass laws and invasion of privacy laws. According to these authors, being a private citizen the private investigator is not subject to many of the legal restrictions that are imposed upon law enforcement investigators such as laws that address issues such as expectation of privacy, reasonable suspicion, probable cause and search and seizure.

2.2.5.1 Surveillance often in conflict with the law

According to the Detective Learning Programme of the SAPS (South African Police Service, c2004:3), the very act of surveillance constantly brings one into conflict with the law. The researcher agrees with the fact that surveillance is often conducted in conflict with certain laws; a good example is during vehicle surveillance, when traffic violations are common and violations such as stopping and parking in forbidden zones, making illegal u-turns, exceeding the speed limit, and disobeying traffic lights or stop signs are unavoidable. It is therefore important that the general detectives must be aware of any danger or harm that their actions can cause during a physical surveillance operation.

2.2.5.2 Relevant South African legislation

When electronic (technical) surveillance is to be utilised, it is managed and controlled by the Regulation of Interception of Communication and Provision of Communication-Related Information (RICA), Act 70 of 2002, which entails that a directive must be obtained before executing this methodology. This does not include the taking of photographs or making of video recording without audio as undertaken during physical
surveillance operations. Application for Act 70 of 2002 monitoring must be processed through the Interception and Monitoring, Crime Intelligence Unit of the SAPS.

Note: In State versus Kidson (unreported case no. 97/292 - Witwatersrand Local Division) it was found that members of the police, defence or intelligence services who wish to monitor a conversation, even one in the company of a person, that is, even participant monitoring, must obtain authorisation from the designated judge.

As mentioned above the very act of physical surveillance constantly brings one into conflict with the law. Physical surveillance, according to the article Investigative Surveillance (2010), may involve illegal acts and/or infringe on an individual’s constitutional right to privacy. The Trespassing Act, Act 6 of 1959 prohibits walking on someone else’s property, so if a surveillant enters a subject’s property in order to get a better view this might bring him or her into conflict with the law. The researcher has found that a surveillant is likely to trespass at some or other time in carrying out his or her duties; for example, he or she might trespass at night to check if the subject is at home by peeping through the windows.

The Prohibition of Disguises Act 16 of 1969 could find some application in this instance. This Act prescribes penalties for being in disguise in suspicious circumstances. It is the researcher’s experience that very often during a surveillance operation the surveillant wears a wig, false moustache and/or spectacles as disguise. However, every operation is different and standard procedures exist for every surveillant to report for duty, with certain clothing requirements to use as disguise techniques.


According to Section 14 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 upon. Section
21 states the following with regard to freedom of movement: everyone has the right to leave the Republic; every citizen has the right to enter, to remain in and to reside anywhere in, the Republic; and every citizen has the right to a passport.

*Informants and Surveillance* (2007) suggests that despite all this prohibitive legislation seemingly hampering physical surveillance, in practice the effects are negligible as long as one approach the task with wit and in a sober manner, always evaluating and forecasting what the effects of one’s every action will be.

The 30 participants were asked according to their knowledge to name the applicable law that is relevant to physical surveillance. According to all 30 participants, it is as follows.

Twenty-one participants regarded Regulation of Interception of Communication and Provision of Communication-Related Information (RICA), Act 70 of 2002 as an important law to consider. Nine participants mentioned the compliance with section 252(A) of the Criminal Procedure Act, Act 51 of 1977 as a hampering factor during physical surveillance. All 30 participants mentioned that knowledge of the Constitution of the Republic of South Africa, Act 108 of 1996 will eliminate factors that appear to be hampering physical surveillance operations.

When the responses of the participants are compared with the views expressed in the literature reviewed, it is clear that the general detectives have never thought of the different laws hampering them during active physical surveillance operations, although they have a good knowledge basis to corroborate evidence gathering during physical surveillance operations.

The following section outlines the characteristics of both criminal and forensic investigation with reference to the difference between criminal and forensic investigation.
2.3 Criminal Investigation

According to Bennet and Hess (2004:4), “a criminal investigation is the process of discovering, collecting, preparing, identifying and presenting evidence to determine what happened and who is responsible.” In this respect Du Preez (1991:2) states that reactive policing follows on a violation of order and requires corrections by means of repressive methods such as arrest, detention, trial, sentencing and imprisonment. Schmalleger (2005:237) defines criminal investigation as “the process of discovering, collecting, preparing, identifying and presenting evidence to determine what happened and who is responsible when a crime occurs.” Du Preez (1991:2) further describes “crime investigation as a systematic and planned information collection process. It consists of observation and/or inquiry conducted during different phases in order to collect information concerning an alleged crime or incident.”

Smit, Minnaar and Schneitler (2004:27) believe that criminal investigation is a reconstructive method that uses deductive analysis based on specific pieces of evidence to establish proof that a suspect is guilty of an offence. In this regard Goss (2004:5) is of the opinion that crime investigation is essentially the gathering of evidence in order to initiate a successful prosecution.

The computerised Oxford Talking Dictionary (1994) defines “investigation” as: “the action or process of investigating; systematic examination; careful research. An instance of this is a systematic inquiry; a careful study of a particular subject.” In its accompanying thesaurus the same dictionary further quotes numerous substitute and related words, which are: “research, probe, exploration, inquiry, fact-finding, search, scrutinisation, scrutiny, study, survey, review, examination, inspection, consideration, sifting, analysis, inquest, hearing, questioning and inquisition”. The researcher is of the opinion that all these words and concepts are relevant to the investigation process.
According to Lyman (2002:15), the mission of law enforcement is composite and challenging but contains some fundamental components, including the maintenance of peace in communities and the protection of lives and property. A criminal investigation usually starts with personal observation or information from a citizen. Police on patrol may see some suspicious action or person, or a citizen may report suspicious action or people.

Lyman (2002:16) and Dempsey (2003:33) state that criminal investigations are conducted by means of three different responses: reactive, proactive and preventative. The reactive response addresses crimes that have already occurred, such as burglary, murder and robbery. In these cases, investigators will respond to a crime, collect evidence, locate and interview witnesses, and identify and arrest a suspected offender. When investigations are conducted in a proactive manner, this means that the investigation is conducted before the crime is committed, and the suspect is identified before she/he commits the crime. Finally, investigations are sometimes conducted as a preventative measure. Prevention through preclusion is achieved by arresting and prosecuting the criminal (Lyman, 2002:16).

Both Du Preez (1993:2) and Zinn (2002:6) describe crime investigation as a systematic and planned information-collection process. It consists of observation and/or inquiry conducted during different phases, in order to collect information about the alleged crime. According to Marais (1992:1), information and facts play an important role in crime investigation and are primarily derived from two sources: people and objects. The researcher agrees and is of the opinion that the effectiveness of criminal investigation is largely based on the availability of crime information and crime intelligence. This research focuses on physical surveillance that can also be utilised during criminal investigations.

The 30 participants were requested to explain what criminal investigation is from their experience. The participants’ explanations are outlined below.
There were eight participants that regarded criminal investigation as a process in which the following questions have to be asked, when a crime is committed: Who, when, where, why, what and how? The participants stated that these questions are critical in any criminal investigation. While five participants defined criminal investigation as “the search for the truth” the remaining 17 participants were all of the opinion that criminal investigation involves looking for evidence, investigating and taking the offender to court to get a conviction.

When the responses of the participants are compared with the views of the authors above, there is not a big difference between them, which means that they are mostly in agreement on the explanation of criminal investigation. It is evident from their answers that the obtaining of information and evidence plays an important role in a criminal investigation.

2.4 Forensic Investigation

According to Goss (2004:6), forensic investigation is the gathering of facts to assist in resolving crimes and/or other irregularities. Nickell and Fisher (1999:1) state that forensic investigation involves the scientific investigation of crime that is utilised in investigations, with the aim of bringing criminals to justice. Morn (2000:77) suggests that forensic science investigation can be defined in two ways: firstly, it involves the application of scientific theory, technology and technicians to crime and criminal investigation, and, secondly, and more specifically, it is divided into pathology and criminalistics. Criminalistics deals with physical evidence, while pathology deals specifically with death. In this regard Lambrechts (2001:93) explains that forensic investigation can be described as being a logical systematic process, intent on accumulating all relevant information and facts regarding a crime. According to the New English Usage Dictionary (2001:318) “forensic” is defined as: “used in a court of law or in the tracking of criminals”.

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Lambrechts (2001:7) describes forensic investigation “as an investigation aimed at instituting court proceedings, criminal as well as civil, and where some other scientific knowledge is applied to a legal problem”. Lambrechts (2001:93) furthermore states that virtually all investigators today are referred to as “forensic investigators”. Kenny and More (1994:7) point out that science should play a prominent role in investigation. According to Pearsall and Hanks (1998:718), “forensic” is defined as “related to or denoting the application of scientific methods and techniques to the investigation of crime”. Swanson, Chamelin and Terito (2003:3) express the same view and explain that within the investigation process various scientific methods are used to gather evidence, collect information and identify suspects. The researcher agrees with the explanations of the authors above and is further of the opinion that the definition of Lambrechts (2001) is complete because he also mentions that forensic investigation can include a civil matter.

The 30 participants were requested to explain what forensic investigation is. Their definitions are provided below.

Eleven participants mainly regarded forensic investigation as a process in which they are looking for solvable factors such as evidence and information to investigate a crime, to arrest offenders and to bring them before the court. Two participants defined forensic investigation as looking for scientific clues that can place the offender at the crime scene while a further three participants said that forensic investigation is a process to determine who committed the crime. The remaining 14 participants were not sure what to say. Their answers were the same as those provided in answer to the previous question on criminal investigation.

It became apparent to the researcher during the course of the interviews that the participants had an idea what the meaning of forensic investigation entails, although the participants did not know the exact meaning. Although 11 participants had the same interpretation, the rest did not know exactly what the answer was, and repeated their answer to the previous question. Three of the participants formulated their own unique
definition while two participants were of the opinion that forensic investigations have a scientific base.

2.5 The Difference between Criminal and Forensic Investigation

Most investigations today are called forensic investigations and as soon as the service of a private investigator has been obtained, such investigator performs a forensic investigation (Goss, 2004:6). According to Lambrechts (2001:93), criminalistics can be generally described as the science of crime detection and it appears as if a forensic investigation is an investigation aimed at instituting court proceedings (criminal as well as civil proceedings), and where some or other scientific (specialist) knowledge is applied to a legal problem. Van Zyl (2005:14) states that when comparing the concepts “forensic investigation” and “criminal investigation”, there seems to be no real difference. With forensic investigation the emphasis is on the use of scientific knowledge. Bennet and Hess (2004:4) point out that criminal investigation is only to institute criminal actions against a person. The researcher agrees, and understands this to mean that a criminal investigation cannot include an investigation into a civil matter. It therefore seems to the researcher that the term “forensic investigation” is a broader term than “criminal investigation” because it can also include an investigation into a civil matter or an irregularity.

The various definitions of the authors Nickell and Fisher (1999:1) and Morn (2000:77) make that clear that a criminal investigation is aimed at the institution of court proceedings. Criminal investigation can be viewed as an integral part of the police function in the formal social control structure in which internal order is maintained. The forensic expert, on the other hand, determines the evidential value of a given object or phenomenon, relying solely on the methods, techniques and knowledge of his particular science. The researcher agrees with this, since the private industry has also become involved in the investigation of either criminal or civil matters and refers to an investigation as a forensic investigation.
According to Van der Westhuizen (1996:9), it is clear that physical evidence is of great importance. He states that in executing a crime, a large variety of traces and objects are used, known as physical evidence, and to gather these facts and information a large variety of dissimilar analyses and experts must be utilised. Swanson, Chamelin and Terito (2003:3) state that “forensic investigation” refers to an investigation where scientific methods and techniques are applied to gather information, especially physical evidence, in order for it to be analysed, evaluated and interpreted by scientific experts, to provide scientific proof to present during the judicial process. What it results in is that the investigator must use appropriate methods and techniques to gather mainly physical evidence from a source of information and, in turn, forensic experts will use appropriate methods and techniques to analyse, evaluate and interpret this physical evidence. The object of this whole process is to individualise the perpetrator, thus revealing the truth surrounding the specific crime. If forensic science is used to individualise the perpetrator, however, it becomes much easier, and that is needed to find physical evidence. In the opinion of the researcher, the main difference between a criminal and a forensic investigation is that a forensic investigation can also be instituted into civil matters while a criminal investigation only focuses on crime.

The 30 participants were asked if there is a difference between forensic investigation and criminal investigation. If their answer was “yes”, they were required to explain what the difference is. The opinions of participants are as follows.

There were five participants who indicated that the emphasis of forensic investigation is on the use of scientific knowledge and that the investigation is aimed at the institution of court proceedings. Twenty-two participants were of the view that the actual performing of criminal investigation requires that the investigation should be aimed at the institution of court proceedings, although this is not always clearly reflected in the way the concept is defined. A further three participants were of the opinion that forensic as well as criminal investigation are conducted by using techniques that will stand scrutiny in court.
The researcher observed from the participants’ answers that they have a good idea of the difference between criminal investigation and forensic investigation. All 30 participants confirmed that forensic investigation involves the use of scientific methods to solve a crime. Both criminal investigation and forensic investigation are court-driven, using methods and techniques that stand up to the scrutiny of the court. The participants know what criminal investigation and forensic investigation are.

2.6 Objectives of Investigation

According to the article *Objectives of Criminal Justice System* (2011), the main objectives of the criminal justice system can be summarised as: to prevent the occurrence of crime, to punish the transgressors and the criminals, to rehabilitate the transgressors and the criminals, to compensate the victims as far as possible, to maintain law and order in the society and to deter the offenders from committing any criminal act in the future. Furthermore Robinson (2011) states that crime scene investigation is the process of determining the events that happened before, during and after a crime was committed and that the primary objective in a criminal investigation is to find evidence to bring the criminal to justice. According to the article *Primary Objectives Criminal Investigation* (2012), crime investigators determine facts that help to bring criminals to justice. As with crime scene investigation crime investigation overall is the process of determining the events that happened before, during and after a crime was committed. The primary goal in a criminal investigation is to find evidence to bring the criminal to justice.

The objectives of an investigation are also incorporated in Section 205(3) of the Constitution of the Republic of South Africa, Act 108 of 1996, which stipulates that the SAPS have the objectives of:

- Preventing, combating and investigating crime;
- Maintaining public order;
- Protecting and securing the public of the Republic and their property; and
• Upholding and enforcing the law.

The researcher believes that to be successful as an investigator, it is important for investigators to understand what their objectives are. In an attempt to assess the role of the investigators in an investigation, Bennet and Hess (2004:5) details their objectives as the following:

• Determine whether a crime has been committed;
• Legally obtain information and evidence to identify the responsible person;
• Arrest the suspect;
• Recover stolen property; and
• Present the best possible case to the prosecutor.

The 30 participants were asked what the objectives of investigation are. The answers of the participants are summarised below.

There were nine participants who indicated prevention of crime, crime combating, solving crime and arresting of the offenders. Eleven of the participants were of the view that the actual performing of crime combating and investigating of crime made up the objectives of investigation while a further two participants mentioned the combating of crime and arresting of the offenders as primary objectives. A further eight participants were of the opinion that prevention of crime, crime combating, ensuring citizens’ safety, solving crime, arresting offenders, getting convictions, determining reasons for a crime and collecting and preserving evidence to solve the crime were all objectives of investigation.

On the basis of the personal experience of the researcher, the literature at hand and the interviews with the participants, the researcher is of the opinion that the participants’ answers in comparison with the researcher’s experience the views of the various authors above do not present a huge difference from them, which means that they are mostly in
agreement regarding the objectives of investigation. The researcher would also like to add obtaining of information and retrieval of stolen property/money as objectives of investigation. These objectives are mostly applicable to criminal investigations whilst in the case of civil matters the objectives may differ. The researcher believes that knowledge of the objectives of an investigation is of vital importance because the objectives give direction and keep the investigator focused.

2.7 Responsibilities of an Investigator

According to the article Duties of a Criminal Investigator (2012), a criminal investigator’s primary duty is to examine evidence and help a prosecutor decide whether to bring a criminal case before a court of law. The article Responsibilities of a Criminal Investigator (2012) points out that good detective work is the backbone of any criminal investigation. An investigator must be able to uncover leads, interview witnesses, analyse findings and testify in court.

Duties of a Criminal Investigator (2012) furthermore writes that the responsibilities of an investigator are to gather evidence by searching for evidence that reveals or establishes the identity of a crime’s perpetrator. Investigators routinely interrogate or interview witnesses, victims and suspects and perform covert surveillance of suspects or witnesses. In providing court testimony investigators are often required to appear in court proceedings as expert witnesses. They also prepare reports after conducting research on a case and gathering evidence, and a criminal investigator must write a detailed report summarising the research performed and conclusions drawn.

2.8 Summary

In conclusion it can be argued that there is a possible ethical explanation for the use of physical surveillance in a modern, professional and accountable police service. However, this explanation can only be asserted on practical grounds and largely falls in line with
the concepts of “value for money,” “best value” and the efficient achievement of key performance indicators and quantifiable targets.

An investigation is a process in which knowledge, insight, experience and investigative techniques are combined to trace and investigate clues. The aim of any investigation is to clarify allegations, suspicious circumstances and the situation in which an act was committed. These clues are mostly hidden and will only be found and put to use by means of a positive attitude and enthusiastic approach by the investigator.

Physical surveillance forms an integral part of the investigation process. Because there are various types of investigations with different objectives, it is very difficult to lay down a set of definite rules and fixed investigative techniques. Certain basic guidelines and techniques which can be applied during investigation do, however, exist.

Chapter 3 addresses the use of physical surveillance as a method in forensic investigation.
CHAPTER 3
CONDUCTING PHYSICAL SURVEILLANCE TO OBTAIN INFORMATION

3.1 Introduction

According to Dixon (2009a), Dr Burger, a senior researcher at the Institute for Strategic Studies has revealed that South Africa’s efforts to fight its high crime rate are not working. The high crime statistics released by the government in 2009 bore testament to the fact, and South Africa’s murder rate of 37 per 100 000 people could not compare with that in most developed countries, where it was less than two per 100 000.

The modern-day investigator has many aids at his or her disposal in the search for the truth. The community therefore expects every police official to utilise these aids optimally in combating crime. Certain crimes, however, provide few or no clues and when proven investigative methodologies do not produce the desired results, physical surveillance can be used to obtain information (Siljander & Fredrickson, 2002:1). According to the Detective Learning Programme of the SAPS (South African Police Service, c1998:50), the increasing sophistication of crime has also compelled investigators to consider unconventional investigative techniques in order to address crime successfully in South Africa. These unconventional investigative techniques include the use of physical surveillance to investigate organised crime syndicates and the activities of other crime groups. It is therefore important that investigators must know how to conduct physical surveillance to obtain information for the investigation process.

According to Siljander and Fredrickson (2002:vii), Police Chief Harold L. Hurt of the Phoenix Police Department in the USA regards physical surveillance as one of the most essential resources that criminal investigators and police officers have available to them and that almost every aspect of police investigations requires some form of surveillance at one time or another. Siljander and Fredrickson (2002:1) further state that Police Chief Hurt believes that when other investigative methodology fails, it is often physical
surveillance that enables investigations to acquire necessary information and evidence. From his convictions in cases, it is apparent that policing departments within the USA acknowledge the importance of surveillance as a supplementary technique to combat crime, a situation that to the researcher’s knowledge has not yet been achieved in the SAPS.

The main focus of this chapter is on how to conduct static (stationary, from a fixed point), foot and vehicle (excluding mobile air and water) physical surveillance in order to obtain information for the investigation process. This chapter describes and outlines the concept of physical surveillance techniques, the tactical ABC-method, tactics used during physical surveillance, mobile surveillance, planning of physical surveillance, qualities of a surveillant, equipment for conducting physical surveillance, compilation of a complete report, hints for conducting physical surveillance and the significance of counter-surveillance. The information in this chapter also provides “food for thought” and helps the apprentice investigator to develop a useful “way of thinking”.

3.2 Compilation of Physical Surveillance Techniques

Siljander and Fredrickson (2002:9) point out that surveillance is the covert collection and analysis of information about people or organisations, or, put another way, methods of watching or listening without being detected. Most surveillance has physical and electronic aspects, and is preceded by reconnaissance and, not infrequently, by surreptitious entry (to plant a monitoring device). According to the article Informants and Surveillance (2007), physical surveillance can be a valuable and essential tool in combating a wide range of sophisticated criminal activities, including such offences as kidnapping, gambling, narcotics, prostitution and terrorism. Gilbert (2004:447) states that throughout the process of the investigation of crime it is important to differentiate between overt and covert techniques. “Overt techniques” refer to conventional police methods to gather evidence, such as the obtaining of a witness statement. Billingsley, Nemitz and Bean (2001:320) and Informants and Surveillance (2007) furthermore
stipulate that physical surveillance actions are a covert technique, as the investigation is conducted in secrecy and the subjects are not aware that they are being investigated for organised crime-related offences. According to the article *Investigative Surveillance* (2010), in the private sector physical surveillance is a complex, multi-person, vehicle surveillance resource, which is time and staff intensive and consequently expensive and largely beyond the means of all but the very wealthy. While the SAPS investigator has accessible resources available, even for the SAPS surveillance is an expensive investigation method. *Informants and Surveillance* (2007) and the article *Surveillance* (2010) suggest that running surveillance operations is very expensive, and for the state the information recovered from surveillance operations can be obtained from less problematic forms of investigation. As mentioned by these authors, some experts argue that it takes the resources of 12 surveillants and six vehicles to put one ordinary individual under effective 24-hour physical surveillance.

Van Rooyen (2001:99) believes that effective physical surveillance requires teamwork. A clear chain of command must be established and every surveillant must fully understand what is expected. Everyone involved should be briefed about the operation and any special hazards or problems should be anticipated. Gilbert (2004:447) acknowledges that a surveillance operation in progress should be kept secret, but it is often useful to notify other authorities in the area so that suspicious person reports are avoided and two or more ongoing law enforcement investigations, operations do not bump into one another.

The next section outlines the different types of techniques used during physical surveillance operations; for example: static surveillance, foot surveillance and mobile surveillance.
3.2.1 Different types of physical surveillance techniques

There are three basic types of surveillance:

- Mobile: Conducted either on foot or using a vehicle;
- Stationary: Conducted from a fixed place; and

According to Calitz (1986:9), surveillance methods can be put into two main categories: physical surveillance and electronic surveillance.

Physical surveillance can also be divided into two main categories:

- Static surveillance; and
- Mobile surveillance.

As already indicated previously, this research study only focuses on mobile foot, vehicle and static/stationary surveillance.

Static surveillance can use a variety of electronic (technical) surveillance equipment. During long-term surveillance, mobile surveillance can be divided into foot surveillance and vehicle surveillance (Calitz, 1986:9).
The researcher agrees with both authors, Lee (2004) and Calitz (1986), that there is a distinction between physical surveillance and electronic surveillance and notes that this distinction exists within the SAPS. Figure 1 illustrates how one type of surveillance augments the other. Physical surveillance can be carried out independently of electronic surveillance. The two components work apart from each other, but the one can complement the other.

According to Siljander and Fredrickson (2002:6, 7), with the exception of (long-term) static surveillance, none of the surveillance techniques are used exclusively but flow in and out of each other. A surveillance operation may commence as static surveillance at the subject’s house then go over to foot surveillance as the subject emerges and walks into town. Gilbert (2004:448) adds that the surveillance may then flow over to vehicle surveillance as the subject boards a taxi and drives to a destination. On the subject’s arrival at the destination the surveillance team again deploys foot surveillants as the subject alights from the taxi and walks into a premise (destination) where static surveillance (stakeout) is held until the subject emerges. This is the reason that this
research study addresses static, foot and vehicle surveillance methods that can be conducted by detectives themselves.

3.2.1.1 Common requests for physical surveillance

According to Van Rooyen (2001:89), the most common request for physical surveillance is to collect information regarding the identity, movements and activities (past, present and future) of a person or group. The author makes further mention of a specific reason that it is imperative that certain places and persons be observed. The article *Surveillance, Undercover and Task Force Operations* (2012) explains that physical surveillance is undertaken to learn about a suspect's activities and relationships. In these operations investigators attempt to watch suspects or those associated with them without their becoming aware of police interest.

In State vs Dube 2000(1) SA 583 (N) a private investigator set a trap for an employee of a motorcar manufacturer who was suspected of being involved in theft. For this research the following is applicable:

The obtaining of the photographic evidence without the knowledge and consent of the appellant (Surveillance Technique) was acceptable by the learned Judge.

The researcher has found that the most common and most frequent request for physical surveillance by investigators is the taking of photographs of their subjects and establishing of hide-out houses or places in undercover operations, although there are many reasons for conducting physical surveillance as mentioned in Chapter 2 Section 2.2.2. The researcher therefore believes that the application of physical surveillance to obtain information and evidence is not appreciated by most general detectives.
3.2.2 Static surveillance

Lee (2004:98) explains that static surveillance is also known as stationary surveillance which is conducted from a fixed place. According to Gilbert (2004:449), the best observation post can be determined by studying a large-scale map of the area, combined with scouting the area. The map will allow the investigator to check the angles of view from different locations. O’Hara and O’Hara (2003:227) state that an observation point should be selected after careful study. The authors furthermore mention that there are two distinct types of observation posts for static surveillance. The first is by using a room in a nearby house or business establishment. The other type is remaining undercover or remaining outdoors, where the surveillant may pose as a labourer, repairman, street vendor, or other such person who would not arouse suspicion. Sometimes cars and trucks can provide cover. Informants and Surveillance (2007) explains that indoor posts permit the most use of equipment, such as spotting scopes, cameras, night-vision devices and recording devices. Gilbert (2004:449) furthermore mentions that all surveillants at an observation post should have cover stories and should not attract undue attention. Van der Westhuizen (1996:98) confirms that a static surveillance post enables the surveillants to keep a complete record of everything observed over a given period. The author suggests that the record entails, among other things, a description of all visitors, their vehicles, time of arrival and time of departure. Photographs of such cases are important corroborative evidence for later court cases.

Static surveillance, according to Siljander and Fredrickson (2002:80-111) and Gilbert (2004:449), is generally conducted for one or more of the following purposes:

- To gather evidence by surveilling the activities within a premises;
- To obtain information that can be used to secure a search warrant;
- To identify, locate, and/or apprehend suspects or wanted people;
- To observe, protect and control an informant’s activities, or to protect material witnesses;
• To analyse the physical structure of a dwelling for a subsequent raid or apprehension activity; or
• To protect and document the movements of an undercover officer.

The researcher agrees with the different purposes as mentioned above and is of the view that they provide evidence that surveillance has a role to play in investigation.

3.2.3 Foot surveillance

Van der Westhuizen (1996:98) explains that foot surveillance can be carried out by one person or by a team; it all depends on the location and the traffic. The success of foot surveillance depends on whether the observer is able to observe the activities of the suspect as unobtrusively as possible.

According to Gilbert (2004:448), on foot a subject can easily shake off a single surveillant without too much trouble and this makes foot surveillance operations rarely practical unless the subject is walking in heavy pedestrian traffic or is totally unaware that he/she is being followed. Informants and Surveillance (2007) stipulates that if the surveillant must follow a subject alone, it is best to stay close behind and keep the subject in sight at all times. When foot traffic is light, it may be best to cross to the other side of the street, which is less likely to attract attention from the subject. The surveillant should be on the lookout for any confederates of the subject as they may be watching to see if he/she is being followed. They may also be waiting to ambush the surveillant.

3.2.3.1 Leapfrog method during foot surveillance

According to the article Foot Surveillance Theory (2012), the leapfrog foot surveillance technique is one of the most difficult to implement. Every surveillance operation is adapted to the target under surveillance and his/her specific characteristics. It is the target that establishes the guidelines of the surveillance and the team doing the
surveillance has to adapt to any sort of situations. Detailed planning helps to provide a satisfactory outcome. The *Surveillance-tradecraft* (2012) website covers the physical surveillance methods and tactics employed on foot in great detail, from static surveillance to following a subject in different environments such as neighbourhoods, shopping areas, indoor shopping malls, cafes and pubs, and when travelling on public transport such as buses and trains. The transition from operating in a vehicle to deploying on foot and back again is also an important factor.

Van Der Westhuizen (1996:99) and *Informants and Surveillance* (2007) explain that during two-surveillant foot surveillance one of the best tactics is to have one surveillant in front of the subject and another following from behind. This technique is called the leapfrog method. In this method, one surveillant follows while the other moves well ahead, usually on the opposite sidewalk. At some point, the lead surveillant stops and waits for the subject to catch up with him. When the subject passes, the lead surveillant moves in behind while the backup surveillant moves ahead and becomes the lead surveillant. *Surveillance, Undercover and Task Force Operations* (2012) conforms that for two-man foot surveillance the "AB" technique is useful. Using this technique, the person right behind the subject has the A position. The other surveillant has the B position. When using the AB technique, A follows the subject and B follows A. B may be on the same side of the street as A or he may be on the opposite side of the street.

3.2.4 The tactical ABC-Method

Van Rooyen (2001:111) describes the three-surveillant or three-vehicle tactics as the ABC-method. This allows the surveillant to change places from time to time, and cuts down on the risk of losing a subject. O’Hara and O’Hara (2003:231) describe this method as needing to be carried out with three surveillants and this is confirmed by Siljander and Fredrickson (2002:70-76), who refer to it as “A, B and C” during foot surveillance (see Figure 2 (a)-(b)). A is closest to the subject S. He follows S at a distance which depends on the conditions of pedestrian traffic. B follows A, at about the
same distance from A as A is from S. C may proceed S or, if vehicular traffic is moderate, may be approximately opposite him on the other side of the street. B and C take turns in occupying the position, thus preventing A from becoming familiar and noticeable to the subject. Siljander and Fredrickson (2002:70-76), O’Hara and O’Hara (2003:232), and Surveillance, Undercover and Task Force Operations (2012) stress that if the subject becomes suspicious of any surveillant, that surveillant can quickly drop out of the tail. Van Rooyen (2001:112) explains that during foot surveillance surveillant C is called the "rover" and walks along the opposite side of the street. In vehicle surveillance, surveillant C might be the plainclothes "jumper" who can get out of the car and blend into the foot environment easily. According to Informants and Surveillance (2007), during important cases where it is worth using more than two cars, the perimeter-box technique provides maximum security while minimising the risk of detection. According to this technique, one car follows the subject, another leads, and another two maintain positions on parallel routes. Coordination is handled by radio. This works well in both urban and rural areas.
Figure 2 (a): ABC tactical method of foot surveillance before taking a corner


Figure 2 (b): ABC tactical method of foot surveillance during the taking of a corner

A number of situations are likely to arise during physical surveillance operations that will test the resourcefulness of the surveillant; a few of the tactics that allow the surveillant to be resourceful are described below (see Section 3.2.5).

The 30 participants were asked to draw on their knowledge to describe the different types of physical surveillance.

Twenty-one participants indicated all three types of physical surveillance: vehicle, foot and static surveillance, while a further seven participants only mentioned vehicle and static surveillance. A further two participants only mentioned knowing about static surveillance.

From the interviews conducted with the 30 participants it became apparent that the participants had an idea about what the different types of physical surveillance are, as the majority of them mentioned the three basic types of physical surveillance. The participants who were not able to name all three lacked the necessary knowledge of the techniques that are available.

3.2.5 Tactics during physical surveillance

According to O’Hara and O’Hara (2003:232), the surveillant should never be detected by the subject from looking directly at the subject, as the surveillant should be inconspicuous and blend in with the environment. Surveillance, Undercover and Task Force Operations (2012) specifies that the surveillant should avoid direct eye contact with the subject. This will keep the subject from recalling the surveillant’s face should eye-to-eye contact be needed later. Sometimes looking away from the subject can make him suspicious though. When that happens, the surveillant should focus on a point beyond the subject. This gives the impression of eye contact without actually having it. The sources also suggest that sudden or unnatural movements can call attention to the surveillant. Many times a subject will test to see if he is being observed. He may quickly
change his course or enter a public vehicle or building. The surveillant must react quickly, but naturally, to these movements. It may be better to lose sight of a subject for a moment than to arouse his suspicion that he is being followed. A few of the tactics suggested by the following authors: Van der Westhuizen (1996:99), Van Rooyen (2001:92), Siljander and Fredrickson (2002:77-79), O’Hara and O’Hara (2003:232-234), Bennet and Hess (2004:175-177), Lee (2004:108) and Surveillance, Undercover and Task Force Operations (2012) are described below.

3.2.5.1 Turning corners

If the subject turns a corner, the surveillant should not hurry to follow as the nature of the neighbourhood will determine the subsequent procedure.

3.2.5.2 Entering a building

If the building is a store the surveillant should wait until the subject comes out. In cases of a department building, with a number of exits it will be necessary to follow the subject into the building. If the subject enters the elevator of the building, the surveillant should board the same elevator. In choosing the number of the floor the surveillant should choose the same as the subject or else the top floor with the intention of alighting at the subject’s floor. That way the surveillant can exit behind the subject.

3.2.5.3 Taking a bus, taxi or train

The surveillant should board the same bus, taxi or train by sitting behind the subject and on the same side. With a train the surveillant should endeavour to get in line behind the subject with one person intervening. If the surveillant hears the destination request by the subject, he or she may buy a similar ticket. When the subject alights from the bus, taxi or train the surveillant should follow. The surveillant should also attempt to listen in on the subject’s conversation with any bus or station official.
3.2.5.4 *In a restaurant*

The surveillant should allow a few minutes to elapse before following the subject into the restaurant and should always enter restaurants behind a subject and sit where he or she can see the subject easily. The surveillant should order a meal which will be ready quickly, in case the subject leaves before he or she is served. The meal ordered should also be able to be eaten easily and hastily.

3.2.5.5 *In a hotel*

An inquiry can be made concerning the room of the subject. If possible the surveillant should take an adjoining room.

3.2.5.6 *In a telephone booth*

The surveillant should either go into the next booth or stand near enough to hear the subject’s conversation. The surveillant should note the telephone book used and the page on which it is left open. If he enters a telephone booth, the surveillant should enter the next booth. The surveillant should listen to his conversation. The subject may be pretending to call just to see if someone is following. If the surveillant enters a booth next to the subject, he should not pretend to make a call. Deposit the required coins and dial a number. Then simulate your conversation.

3.2.5.7 *In a theatre*

The surveillant should sit behind the subject and take note of the various exits which are available. The surveillant will be able to notify the other surveillants outside the theatre of the exits. They can in turn monitor them if the subject decides to evade the surveillance operation.
3.2.6 Tactics for the use of mobile surveillance

The tactics discussed in this section are applicable to mobile vehicle and foot surveillance. According to O’Hara and O’Hara (2003:236), mobile surveillance (vehicle surveillance) is complex and offers the chance of surprise. The suggestions which are made for foot surveillance are applicable in large part to mobile surveillance. Mobile surveillance makes heavy demands on resourcefulness and is most important as a technique where blending into the environment is most important. Surveillants should carry extra items such as a hat, glasses, and a raincoat to permit changes of appearance. Remember to carry loose coins and small bills so you can pay exact fare rather than wait for change, and to carry pen and paper to leave a note when necessary. Gilbert (2004:447) mentions that sometimes it will be necessary to develop a set of signals that can be used on the street without raising suspicion with the subject. Such things as how a newspaper is carried or the way clothing is worn work well for this. According to Lee (2004:108), cellular telephones work well for this purpose, as do alphanumeric pagers that receive lines of text.

Siljander and Fredrickson (2002:24) write that vehicles used for surveillance should be as inconspicuous as possible. In city traffic, the best plan for the surveillant is to stay one or two cars behind the subject and far enough to the right so that the subject is not likely to notice him or her in a rear-view mirror. Informants and Surveillance (2007) mention that in rural areas the surveillant must move further back and know the terrain. The article also states that two vehicles can use the leapfrog technique in this situation.

O’Hara and O’Hara (2003:238) mention that a good part of surveillance by vehicle consists in parking and awaiting the emergence of the subject. They suggest parking in the same block as that of the subject but advise that this should be avoided. The surveillant should sit in the back seat and remain inconspicuous. If the surveillant must wait a considerable time, it is advisable to leave the vehicle and walk up and down the street casually.
Gilbert (2004:448) furthermore mentions that the greatest difficulty during mobile surveillance will be encountered at night, since many vehicles look quite similar at a distance from the rear. The subject can easily be lost against a background of city traffic with its patterns of neon signs, traffic signals, and the taillights of other vehicles. *Informants and Surveillance* (2007) suggest that the simplest solution to this problem is to mark the subject’s vehicle beforehand so that it is identifiable at night. A screwdriver and any sharp object wrapped in a cloth can be used in an emergency to put a hole in one of the rear lights. O’Hara and O’Hara (2003:238) suggest a quick spray of a small area on the rear bumper with an aerosol can, since the reflective material is clearly seen from a position on a line perpendicular to the bumper but is practically invisible from any other angle.

The 30 participants were asked to name the different tactics that can be used during physical surveillance.

Nineteen participants were not sure what to say. Their answers were almost the same as those to the previous question. The participants were also requested to describe the different types of physical surveillance. All 30 participants indicated the three types of vehicle, foot and static surveillance while 11 of them also mentioned electronic surveillance as a tactic.

The participants’ answers were different from the views of some of the authors mentioned above; the participants were not clear about the different tactics used during physical surveillance. The reasons for the vague answers of the participants could be that they were confused about the different types of physical surveillance tactics used during physical surveillance because, as far as the researcher could determine, tactics are not discussed in any training curriculum. The researcher is of the opinion that the reason for the participants’ lack of knowledge of these tactics is because they are not part of the curriculum as far as could be determined. This may further be attributed to the fact that they are not adequately trained on physical surveillance as a technique.
3.3 Planning of Physical Surveillance

3.3.1 Pre-surveillance assessment

According to O’Hara and O’Hara (2003:230), the surveillant should, as always, make a preliminary survey of his or her task to prepare for contingencies that may suddenly arise. Gilbert (2004:447) argues that any successful surveillance requires a pre-assessment. According to Investigative Surveillance (2010), this assessment has as its objective the gathering of intelligence that enables anticipation of the movements of the subject. Informants and Surveillance (2007) mentions that assessment which will include gathering such intelligence as is possible about the habitual movements of the subject and the examination of the physical environment of the subject from which surveillance is to commence. The last-mentioned source further advises that all possible directions of movements of the subject from the initial surveillance point must be assessed. For example, the subject of the surveillance leaving premises can turn left or right, and that left or right turn leads to a further intersection where multiple direction options are a possibility; in this case the surveillant will have to amass surveillance resources that will address all of these contingencies.

According to Gilbert (2004:447), preparation is the key to a successful surveillance, regardless of the type of surveillance that is conducted. It is important for the surveillant to learn all he or she can about the subject and the neighbourhoods in which he or she will be operating. Whenever possible, target information should be individualised, including the associates of the main surveillance target. The researcher agrees with this view and from his experience believes that the more one knows about the subject the easier it is to conduct surveillance. It is desirable to know a subject’s daily routine, and that can often be learned by interviewing people such as neighbours.

O’Hara and O’Hara (2003:230) are of the opinion that, if possible, it is a good idea to make a thorough reconnaissance of the areas in which the surveillant plans to conduct the
surveillance to try to spot any known criminals who are operating in the area. *Informants and Surveillance* (2007) claims that it is important for the surveillant to familiarise him or herself with the geographic area by learning the names and locations of streets, alleys and passage ways. Traffic conditions should be observed to form a mental picture of where various buildings are located. Gilbert (2004:447) emphasises that the surveillant should endeavour to dress and act as though he or she belongs to the milieu in which the subject is expected to be found.

Gilbert (2007:383) points out that surveillance duties often consist of both moving and static surveillance duties. Mobile surveillance may be by foot, vehicle, air or water, but for the purpose of this study air and water are not looked at as it is not relevant. Static surveillance in contrast to mobile surveillance involves no movement during the initial stages, since a specific premises and/or person(s) at a specific location are observed. Mobile surveillance (vehicle surveillance) is a specialised field that requires extensive resources and knowledge.

Buckwalter (1983:130) is of the opinion that the so-called “in-the-area assignments” cover a wide range of undercover activities. The surveillant needs to create a reason for being in a specific location for the duration of the surveillance action. Buckwalter (1983:130) stresses that whatever the surveillant pretends to be doing he must be able to do it effectively.

O’Hara and O’Hara (2003:230) point out that it is often the case that the initial surveillance point is located in an environment where a stranger infiltrated into a street, or a vehicle parked in the street, is likely to attract attention and enquiry. A “successful profile of the movements of a subject” exercise is, consequently, something that is built over a period of time, with the surveillants often abandoning the surveillance exercise in favour of returning at a later stage to recommence the exercise armed with the intelligence gathering from previous efforts.
3.3.2 Information analysis

Before surveillance can be conducted, according to Siljander and Fredrickson (2002:12-15), all information possible needs to be gathered regarding the subject which will ensure that the surveillance remains focused on its goal yet prepared for any other unforeseen eventuality. The Detective Learning Programme of the SAPS (South African Police Service, c2004:5) confirms the importance of gathering prior information and states further that surveillance should never be attempted on the spur of the moment but only after the following has been established:

- The type of case;
- The purpose and goal of the surveillance;
- What information is known and has been verified; and
- What additional information is needed.

*Investigative Surveillance* (2010) finds it a given that alerting the subject of surveillance to the fact of surveillance defeats the purpose of the exercise, although there are rare occurrences when making the subject of a surveillance operation aware of the surveillance may be an appropriate investigative strategy. To avoid making the subject aware of being surveilled, maintenance of the covert status of surveillance requires careful planning and the anticipation of contingencies.

Surveillance that exposes the activities and associates of the subject is meaningless unless correctly interpreted, understood and analysed. McConville and Wilson (2002:71) mention that surveillance is used not just to obtain specific evidence against a subject that is suspected of having committed or is in the course of committing a crime, but also to gather information that may, at some later date, prove useful to the investigator. Such information can be held on databases of increasing size and has scope of application.
An analysis of the internal environment of the subject or target group indicates their weak and strong points within the function of the specific target group (South African Police Service, c1998:16). The SAPS Detective Learning Programme (South African Police Service, c1998:16) in its training manual furthermore states that the crime intelligence cycle can be defined as a process of transforming crime information into crime intelligence through the application of the following five primary phases: identification, planning, collection, analysis and dissemination. Studies have shown that the word “intelligence” usually means information that has been subjected to analysis and synthesis. Zinn (2005:38) is of the view that crime intelligence is the product of information, which is taken in its unrefined state and processed, refined, verified and evaluated.

Van Heerden (1994:191) maintains that subject identification is concerned with the positive identification of the subject as a person rather than with identification of their unlawful conduct. Furthermore, according to Gottlieb, Arenberg and Singh (1998:58), criminal investigative analysis or profiling also focuses on determining the personality and behavioural characteristics of a subject, which can be very important to the surveillance team. These authors state that criminal investigative analysis or profiling has also proven effective in building profiles of rapists. The SAPS CIAC course material (South African Police Service, 2002b:1) describes a subject profile as the gathering, adaptation and coupling of cases in which a person is involved, and the summarising of information where a suspect could possibly be involved in crime, with the purpose of compiling a complete profile of a subject, to serve as an aid to the surveillance team or investigators in locating the subject.

Table 1 below illustrates the different components of a standard and advanced subject profile, as utilised in the SAPS (South African Police Service, 2002b:7-8). The standard crime intelligence profile, according to Krause (2007:64), is to furnish the client with urgently needed information that is immediately required regarding a subject. This type of profiling is practised when the subject is not involved in an organised crime group.
Krause (2007) further states that the advanced crime intelligence profile is more detailed, and includes movement control information and retail-related information.

Table 1: Standard and advanced subject profiling

<table>
<thead>
<tr>
<th>Standard Subject Profiling</th>
<th>Advanced Subject Profiling</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Personal information</td>
<td>• Criminal record information</td>
</tr>
<tr>
<td>• Address information</td>
<td>• Movement control information (Advanced)</td>
</tr>
<tr>
<td>• Vehicle information</td>
<td>• Modus operandi information</td>
</tr>
<tr>
<td>• Firearm information</td>
<td>• Retail information (Advanced)</td>
</tr>
</tbody>
</table>

Source: Krause (2007:64)

In his experience the researcher has found that investigators do not gather the above-mentioned information before requesting assistance from the physical surveillance team. Most of their information is very vague, with almost no information about their suspects. The consequences of not applying profiling techniques prior to the physical surveillance operation phase of offenders will, according to the researcher, diminish the identification of a subject involved in a crime.

3.3.3 Types of information required

This information can only be interpreted and understood correctly if it can be connected to the information gathering beforehand. According to Calitz (1986:12) and Siljander and Fredrickson (2002:9-12-14), the following information on a subject is important to any surveillance team:

- Names, surname, nickname and aliases;
- Residential- and work addresses;
- Telephone numbers;
- The crime or type of crime allegedly involved in;
- A good and recent photograph of the subject;
- A complete physical description of the subject that includes: age, height, weight, build, hair colour and style, distinguishing features and facial features as well as scars, tattoos, and glasses;
- Walking styles, talking habits, smoking habits or any other habits;
- Preferred types of clothing and colour preference; jewellery, including earrings or any other piercing;
- Daily routine, places usually visited or frequented, the description of the persons he normally visits;
- Hobbies and family involvement therein;
- Details regarding his vehicle or modes of transport, routes usually used, driving habits, and parking bay used;
- Information about the venue (residence or business or both) that is to be surveilled; and
- Whether the subject suspects or knows that he is the subject of an investigation.

The researcher agrees with the authors on the type of information on a subject that is important.

The 30 participants were asked whether during the planning of physical surveillance they carry out a pre-surveillance assessment. They were informed that if their answer was “yes”, they would be required to name the aspects that should be taken into consideration.

Five participants indicated that they do not carry out a pre-surveillance assessment. The other 25 participants answered “yes” and listed the following aspects that should be considered during pre-surveillance assessment.

Eight of the participants stated that the assessment depended on the type of case being investigated while four participants indicated that the following should be undertaken:
scout terrain where the surveillance needs to be carried out with the correct equipment and sufficient personnel; obtain an authority clearance to conduct the necessary surveillance; and decide on the method to be employed. A further seven participants felt that the information required concerned the type of area or community where the subject stayed and information that would help the surveillance team decide on how the surveillance would be coordinated to reach the goal. Another six participants were of the view that the proper information or intelligence was to be obtained on the subject.

The participants’ answers differed from the views of some of the authors mentioned above; the participants showed a lack of clarity about what should be done in the pre-surveillance assessment. The reason for this might be that planning of surveillance, as far as the researcher could determine, is not discussed in any training curriculum. As far as could be determined, physical surveillance was only added to the general detective training curriculum in 2004. According to the curriculum, the subject is given a period of two days of lectures. This is far too short for this specialised technique and may therefore contributed to the fact that general detectives are not sufficiently trained on physical surveillance as a technique.

The following section outlines the qualities of a surveillant, as after collecting the abovementioned information the operator in charge should commence in assembling the correct team for the operation.

3.4 Qualities of a Surveillant

Looking for a surveillant, one should look out for the following as not everyone makes for an ideal surveillant or operative. Some may have the ideal physical attributes but have the wrong mental attitude. Ideally a surveillant should have an average build and features to enable him to blend into the surroundings. Someone unusually tall or overweight is going to find it difficult to remain unnoticed when conducting surveillance (O’Hara & O’Hara, 2003:228). On the basis of the researcher’s experience it is to the
benefit of the operation or investigation that the surveillants are compatible with the subject or syndicate’s descent. Surveillants who are from the same descent as the subject will move more easily within the subject’s environment.

According to the authors Calitz (1986:17), Marais and Van Rooyen (1990:65-66), Siljander and Fredrickson (2002:9-12), O’Hara and O’Hara (2003:228-229), Bennet and Hess (2004:174) and Lee (2004:103-105), there are a number of essential qualities, which can be summed up as follows:

- **Experience**: Because the surveillant is engaged in activity that is intended to produce information for a matter that is under investigation, a matter that may at some point go to court, the surveillance operation must be conducted in a manner that will not render any information obtained inadmissible as evidence;
- **Attitude**: An important consideration that has a direct influence on one’s suitability for surveillance work is a high degree of perseverance, patience, skill, discipline and dedication to one’s task;
- **Powers of observation**: This can be trained by constant practice, by making every effort to be alert to those things that go on around the surveillant, and by paying attention to detail;
- **Memory**: When a person makes a point of being alert to detail, a good memory for what has been observed will develop;
- **Patience and perseverance**: These are among the most essential qualifications for anyone who attempts to conduct physical surveillance of any type;
- **Resourcefulness and adaptability**: These are required for blending in with the environment effectively, both in appearance and conduct, and reacting properly to the unexpected;
- **Communication skills**: The surveillant should have good verbal and written communication skills;
• Physical qualities: The surveillant should be in reasonably good physical condition, especially if the case requires foot surveillance or a rural stakeout where one must walk some distance to the observation post; and

• Driving skills: Vehicle surveillance is not an easy task and requires superb driving skills so that one can drive in the aggressive manner often necessary yet do so in a safe manner.

The 30 participants were asked the following question; “According to your knowledge what must the qualities of a surveillant be?”

There were 19 participants who indicated the qualities of a surveillant to be objective and independent thinking and that the surveillant should remain unbiased. Seven participants were of the view that a surveillant should have good organisational skills, and good oral and written communication skills. A further four participants said that a surveillant should pay attention to detail and be thorough in conducting a physical surveillance.

From the discussion it is noticeable that the authors and participants are at heart that the correct person needs to be identified for the surveillance operation. It is imperative that the surveillant fits into the situation. The attributes mentioned by both the participants and the literature reviewed need to be considered in making an informed decision on the surveillance operation. Although the participants did not mention all the qualities as discussed in the literature they at least have a good idea of some of the qualities that are important.

According to Siljander and Fredrickson (2002:12), there is justification for the assertion that almost anything a male surveillant can do, a female can also do, and in certain instances females enjoy an advantage, and for some surveillance operations women are essential. ACM IV Security Service (1993:iii) confirms the view expressed by Siljander and Fredrickson (2002) by further mentioning that female surveillants are most capable and that the most cunning subjects are females. Siljander and Fredrickson (2002:12) describe some of the advantages enjoyed by female surveillants as follows:
• People have a tendency to be disarmed by a female, and are less likely to suspect that she is a surveillant;
• People will often more readily provide information to a woman;
• Females are less apprehensive about opening their door for an unknown woman;
• Men will almost always open the door for a female, especially if she is attractive;
• Female can follow another female into areas in which a man cannot go;
• A female sitting in a parked vehicle for an extended period does not arouse suspicion to the extent that results when a male is observed under the same circumstances.

The researcher agrees with the advantages of females as mentioned above. He has recruited and trained many surveillance operatives for the Physical Surveillance Unit, SAPS, Eastern Cape. The most important factors are that the surveillant must have a high degree of perseverance, patience, and skill, and be very disciplined and dedicated to his or her tasks.

3.5 Equipment for conducting Physical Surveillance

Van der Westhuizen (1996:100) is of the opinion that there is no standard equipment for all the situations in which surveillance is carried out. Each case requires a different kind of equipment as a result of the specific circumstances under which the surveillance is conducted.

3.5.1 Basic equipment

Authors Van der Westhuizen (1996:100), O’Hara and O’Hara (2003:227) and Lee (2004:107) mention that the following basic equipment must be available to the surveillant: surveillance vehicle; radio communication; maps of the area; cameras and binoculars; cellular telephone; bottled water; fruit or snack; flashlight; pen and notepad;
several different styles of hats or caps; sunglasses; jacket or coat appropriate for the weather; umbrella; and shoulder bag for equipment storage or use as a prop. Furthermore *Surveillance, Undercover and Task Force Operations* (2012) suggest that the plan for a stakeout, for example, would provide for a full reconnaissance of the base of operations - whether store, apartment, house, automobile or truck. The plan would list binoculars, electronic aids, cameras, sound-recording devices, or other items that should be on hand. It would set the method for communicating with headquarters and it would include provisions for relieving the surveillant. In this regard Van Rooyen (2001:94) adds that a night-viewer can be used in dark unlit areas.

3.5.2 Equipment to disguise the surveillant

Calitz (1986:3) states that the surveillant’s aim is to render him or herself unrecognisable for a short time. Therefore the disguise should be: able to cover up the surveillant’s individual (characteristic) features; generic (common) and commonly available; and easy to put on and take off; and easy to dispose of. Furthermore *Surveillance, Undercover, and Task Force Operations* (2012) points out that surveillants may pose as salesmen, junk collectors, telephone repairmen, or even newspaper vendors. They may pretend to have any occupation that will not attract undue attention. But to do so, they need the right equipment or supplies.

Lee (2004:107) puts forward that a surveillant should be like a chameleon that can blend in with the surroundings. There is much more to successful disguise than a change of clothes or makeup. With imagination and acting ability to guide the surveillant, no one will know who he or she is. The surveillant should learn to size up people and situations at a glance, how to change his or her personality, and just when to discard his or her disguise.
3.5.3 Disguising the surveillant’s vehicle

O’Hara and O’Hara (2003:237) suggest the following on disguising of a motor vehicle:

- Use popular type and colour vehicles; extraordinary imported vehicles and colours that stand out must not be used;
- Use rented vehicles, as a rented vehicle could easily be exchanged for an alternative model and colour;
- Use special unregistered (dead) plates issued through the cooperation of motor vehicle authorities;
- Alter the appearance by various devices such as the use of removable stickers or windshield adornments; changing licence plates; shifting the headlights from dim to bright; using a multiple contact switch to eliminate one of the headlights; rearranging the seating of the occupants; changing the occupants’ clothes, changing or removing hats or caps; and changing the number of the occupants.

Lee (2004:113) is of the opinion that aerials, communication gear, and other equipment should not be visible and that headlights should be wired separately so the car appears differently at night. Van der Westhuizen (1996:99) mentions that the vehicles must blend with the rest of the traffic, displaying no conspicuous signs, and must be fitted with false number plates. Furthermore Surveillance, Undercover, and Task Force Operations (2012) declares that if surveillants cannot watch from a fixed base, they may need disguised vans or trucks to use as observation posts.

3.5.4 Sophisticated equipment

According to Van der Westhuizen (1996:99) and Lee (2004:110) helicopter support is ideal for physical surveillance, but many departments restrict usage to more serious cases. These authors suggest that if the surveillant loses the suspect, they should not feel
ashamed but instead use pretext phone calls to family, friends and associates. A surveillant should then be positioned at the point where the subject was last seen.

Gilbert (2004:449) claims that remote tracking technology using Global Positioning Systems (GPS) has actually been available to the police for decades and that due to the advanced tracking methods utilising satellites and cell phones the investigator can now follow the movements of a subject virtually anywhere in the world.

ACM IV Security Service (1993:142) and Zonderman (1998:138) argue that watching and listening have come to be aided by equipment of various kinds which offers enhancement of optical and audio signals; for example: through telescopes and directional microphones. This enables physical surveillance at a distance. The researcher does not discuss the type of equipment described in this section in detail as not all general investigators have access to sophisticated equipment.

The 30 participants were asked, according to their knowledge, what equipment is needed for conducting physical surveillance. The participant collectively provided the following answers.

There were 19 participants that mentioned cameras, video equipment, audio recorders, map books or GPSs and binoculars. Seven participants further mentioned communication, such as portable radios or cellular phone tracking devices and long-distant digital telescope cameras. A further four participants describe detailed equipment to be used to disguise the surveillant’s vehicle; for example, number plates, magnetic stickers and visors, and an extra set of clothing with extra cash to be used as a disguise for the surveillant.

From the information provided by the 30 participants it is evident that the participants have an idea of the basic equipment that can be used during physical surveillance operations. Interestingly, seven participants mentioned more specialised equipment; for
example: tracking devices and long-distant digital telescope cameras. Four participants described in detail equipment to be used to disguise the surveillant’s vehicle and the surveillant.

The following section outlines the importance of physical surveillance, with reference to physical surveillance reports and hints for applying physical surveillance.

3.6 Compilation of a Complete Report

O’Hara and O’Hara (2003:239) suggest that reports are especially important in surveillance operations. Each member of the surveillance team will have different facts, and these must be correlated to make a complete report. Reports should be detailed; for example, little things like discarding a matchbook are worth noting. Although the joint report should have differences between the surveillants ironed out, it is acceptable to have differences of opinion in the report if they cannot be reconciled. It is better to have too much information than to omit something that may be significant. It is wise to treat any observation in such a way as to be able to testify about it later in a court of law.

Siljander and Fredrickson (2002:318-326) and O’Hara and O’Hara (2003:239) are of the view that proper physical surveillance reports should be kept of all surveillance operations. According to these authors the report it is important for the following reasons:

- All the information is kept together and in chronological order;
- The report provides a good reference of events if one needs to testify in court;
- The report may be used as evidence in court;
- The report may assist the investigation in that exact times and the exact locations of the suspect are known for the period of surveillance; and
• An accurate knowledge of the subject’s activities is available for the purpose of cross-examination in a trial or during an interrogation of the subject.

According to Van der Westhuizen (1996:98), especially during static surveillance the report enables a complete record of everything observed over a given period to be kept and it entails, among other things, a description of all the visitors, their vehicles, time of arrival and time of departure. The study also found that physical surveillance reports are almost always time caption reports. Lee (2004:110) mentions that surveillants must know the difference between information and evidence. It is not good enough just to be a good surveillant; one should also be a competent investigator to be capable of preparing an accurate report. Lee (2004:110) explains that the report writer should also be responsible for gathering all notes taken by other surveillants, from which he or she will formulate the report.

3.6.1 Breakdown of the surveillance report

Several authors such as Calitz (1986:17), Marais and Van Rooyen (1990:73-74), Siljander and Fredrickson (2002:321-324), O’Hara and O’Hara (2003:239), Bennet and Hess (2004:178) and Lee (2004:110) agree to a large extent that there are a number of things that must be noted during the compilation of a surveillance report. The breakdown should therefore comprise the elements outlined below. Examples are given as appropriate.

3.6.1 (a) Date on top

Example: Monday 2 July 2010 (Name of day is important)
3.6.1 (b) Instruction to team

Example: Monitor the white Toyota Corolla, BDB 435 EC, to see where the drugs are offloaded.

Or

Monitor the movement of the white male to establish if he makes contact with the subject.

3.6.1 (c) Time

Note when the first surveillant arrives at the given address and the time that the team arrives for surveillance duties.

3.6.1 (d) Address

- Name of building or shop, if it is a building or shop;
- Street name and number: use a GPS or map for road or street or avenue, as this can change an address;
- Name of suburb: again use a GPS or map and do not try to guess what suburb it is;
- Name of area: “Cambridge” for example falls under “East London”.

3.6.1 (e) What is happening at the address?

If the surveillant notices any vehicle, he or she should make sure of the registration number and make of the vehicle and record them in the report. Any distinguishing marks must be mentioned. Any other happenings at the address should be noted; for example, the gardener working in the garden with a full description of him.
3.6.1 (f) When vehicle departs

Mention who is driving the vehicle and if this is unknown it must be written as such. Every time the vehicle arrives or departs mention must be made of the occupants. Always write the registration number of the vehicle as well as the colour and make when it arrives or departs; occupants should also be described if possible.

3.6.1 (g) When arriving at an address

Mention what the occupants of the vehicle are doing. If the occupants of the vehicle get out and it is unknown where they have gone, this must be mentioned. Mention what is happening while the subject is at that address.

3.6.1 (h) Descriptions of subject or contacts of subject

- Gender and race; for example, the reader of the report doesn’t always know if the subject is a male or female and what race he or she is. Provide a proper description of the subject;
- Age; for example, approximately 20 to 25 years old (always give the age in increments of 5);
- Height; for example, approximately 1.8 to 1.85 metres tall (always give the height in increments of 5);
- Hair; for example, length, straight or curly, colour (e.g. shoulder-length straight brown hair or short black pleated hair or red curly hair or very short at the sides and neck length at the back);
- Build; for example, slender, average, overweight or fat. Remember many average built men have a big belly;
- Clean shaven; for example, mention if the person has a beard or moustache or goatee or if he is clean shaven;
- Skin; for example, dark or light complexion or freckled;
• Other; for example, glasses, limp, bad skin, tattoos, chain smoker or anything that is unusual and identifiable about the person.

3.6.1 (i) Time

Make sure that the time is accurate. It often happens that the time in the report and the time on the photographs are not the same and it is important that they should be for court purposes.

The 30 participants were asked to name the important aspects that should be included in a surveillance report.

There were six participants who listed the most important aspects that should be included in a surveillance report as being: date, time and incident; physical description of subject and contact persons; and if motor vehicle was used the registration number, colour, type of motor vehicle, and description of occupants. Thirteen participants were of the view that it must be mentioned who arrives at the address and what is happening at the address during static surveillance duties. A further six participants said that if something changed hands from one person to another person it must be included in the report while a further two participants mentioned that it is important to give a proper detailed physical description of subject. Three participants could not name any aspect and it would seem that they did not have any knowledge of what should be included in a surveillance report.

From the information provided by 27 of the participants it is evident that the participants understood the necessity for a complete report to be compiled. The three participants that could not mention any aspect of the contents of the report revealed that they did not have knowledge of the subject. The researcher is of the opinion that the reason for the participants’ lack of knowledge of the contents of a surveillance report is that they were not properly trained on physical surveillance as a technique.
On the basis of personal experience of the researcher, the literature at hand and the interviews with the participants, the researcher believes that a complete surveillance report is of vital importance. It will enable the surveillant to plan his or her investigation, to decide what direction to follow and what the next move should be to put the suspects behind bars. The researcher further substantiates the abovementioned, as he has given evidence in internal departmental cases (SAPS), as well as in the international criminal court in the United Kingdom (UK) regarding surveillance reports on suspects.

3.6.2 Practical example – report and photo album

The researcher has attached surveillance reports with reference 1/03/02 (attached as Annexure D) and 3/08/05 (attached as Annexure E) as practical examples of a report and photo album. As shown in the reports the detail or information that is needed consists of dates and exact times of the movements of the suspects. It confirms the abovementioned discussion of the authors, Siljander and Fredrickson (2002) and O’Hara and O’Hara (2003).

The next section provides hints and/or guidelines for physical surveillance that will be of assistance to the apprentice investigator.

3.7 Hints for Conducting Physical Surveillance

The researcher has formulated from various authors, such as Calitz (1986:11), Marais and Van Rooyen (1990:74), Siljander and Fredrickson (2002:159-169), O’Hara and O’Hara (2003:238-239) and Lee (2004:108-110), the following guidelines or tips, checklist “titbits” compiled by combining all the above information gathered during the research. The researcher is of the opinion that this list could be filed under Section B in the case docket to serve as a guideline to investigators. It will ensure that they consider all possibilities when it comes to physical surveillance:
• People are creatures of habit. There is something about everyone that is predictable; it is just a matter of identifying what it is;
• Powers of observation must be accompanied by comprehension. Don’t just look, but also listen;
• In many cases, it is desirable to know a person’s daily routine, and that can often be learned by surveilling them and interviewing people such as neighbours;
• Consider a pretext phone call to determine if the subject is, in fact, at home, if that is not already known;
• During an early surveillance operation, if it is observed that someone frequently looks out, it could be an indication they are suspicious, or it may suggest that they are expecting the arrival of someone;
• During a night stakeout, if one is a smoker, care should be taken to ensure that the glow of the cigarette, smoke, and smell do not betray one’s presence;
• During a surveillance operation from a parked vehicle, consider sitting in the passenger seat and appear to be waiting for the driver; in other words, appear to belong;
• When doing surveillance from a parked vehicle, consider the value of sunscreens for concealment;
• When surveilling outside a building, consider placing a leaf, twig, or matchstick in the door on the opposite side so that it can be determined later if the subject left unseen by that door;
• During surveillance hours of darkness, it sometimes works to dress in dark colours and blend with shrubbery or sit quietly and still in the shadows;
• A subject who is highly vigilant for evidence of being followed will usually be most alert when first beginning his or her commutes;
• When moving into a stake-out position in a rural area and travelling on dirt roads, remember that speed creates sound and dust which can betray one’s approach;
• When doing surveillance on a premise, consider a pretext phone call to ascertain that the subject is at home. Plan accordingly; a phone block should be considered;
When using binoculars from a vehicle, ensure that the windows are clean. If the vehicle's side mirrors are sufficiently large, binocular viewing can be done through them while sitting inside and viewing a subject area to the rear;

Avoid catching anybody's eye. Never fix your eyes on the subject;

If patrol officers in the area are unaware of the surveillance, adhere to laws to avoid arousing police suspicion and, when parking, position the vehicle in a non-suspicious manner;

Avoid the feeling of being compromised or “burned”. Your own mistaken belief that you have been spotted is more likely to give you away than anything else. Always attempt to identify the subject’s counter-surveillance efforts;

If the subject speaks to you, treat him or her as you would any other stranger who did the same thing. If you are discovered and contacted by the subject, a plausible cover story should be offered;

If the subject being surveilled is lost, you should return to the last location at which the subject was observed, as he or she may return;

Act naturally and in a manner appropriate for the setting. Never peek over a newspaper, never sneak peeks from around a doorway or from behind poles, as so doing is not natural and attracts attention;

If a subject accuses you of following them, deny it strongly, and say you think they have a mental problem;

If you are ever forced to abandon surveillance, don't return immediately to your office. The subject or a co-conspirator may be following you to your office;

Be creative and consider human nature.

The 30 participants were asked, according to their knowledge, what types of hints exist for physical surveillance.

Five participants stated that the surveillant must never make eye contact with the subject while three participants were of the view that the surveillant should make use of reflections of windows during foot surveillance and must always appear as natural as
possible. Five participants stated that during static surveillance, positions should be changed on a regular basis and the surveillant should never commit an offence in sight of the subject. A further six participants mentioned that the surveillant should not wear unusual clothing or jewellery, but that they should use glasses to hide behind and wear comfortable shoes when doing surveillance. A further three participants said that the surveillant should blend in with his or her surroundings; carry enough money (and change) to pay for bus or taxi fare, meals or phone calls; and must always use innovation. Five participants mentioned that as far as possible one should not use vehicles that could easily be identified as SAPS vehicles. Three could not give any answers and it would seem that they did not have any knowledge of what types of hints there are for physical surveillance.

From the information provided by 27 participants it is evident that the participants described the necessity types of hints. The three participants that could not give any answer of any aspect of the different types of hints illustrated that they did not have knowledge of the subject. The researcher is of the opinion that the reason for the participants’ lack of knowledge of the types of hints useful for the surveillant is the fact they are not adequately trained on physical surveillance as a technique.

The next section outlines counter-surveillance techniques which every investigator must take note of, as they can also use them when approaching a meeting place with an informer.

3.8 Significance of Counter-surveillance

According to the article Counter Surveillance Techniques (2012), “counter surveillance is the practice of avoiding surveillance or making surveillance difficult.” Before computer networks, counter-surveillance involved avoiding agents and communicating secretly.
The real art of surveillance, according to *Investigative Surveillance* (2010), finds expression when the subject of surveillance is alert to the possibility of surveillance, and practises counter-surveillance techniques, and the surveillance strategy must additionally accommodate counter-surveillance. Siljander and Fredrickson (2002:ix) explain that the prerequisite for skilled counter-surveillance is an understanding of the art of physical surveillance. Lee (2004:112) confirms that almost any erratic behaviour may be an attempt at evasion. Buckwalter (1983:147), Frazier (1994:145-154) and Clarke, Cowley, de Klerk, Lamprecht, Mendes, Myburgh, van Schoor, van Zyl and Zinn (2004:325) stress the significance of counter-surveillance for surveillants to protect themselves. It is also imperative for surveillants to be aware of counter measures as counter-surveillance can be described as the exercise of avoiding surveillance or making surveillance complicated. According to *Surveillance* (2006), counter-surveillance is reliant on good information security planning. The best way to begin thinking of counter-surveillance is to think about breaking the regular patterns in one’s life.

According to Lee (2004:112), cellular telephones being as prevalent as they are, the subjects can counter the efforts of audio recording (wiretap) by changing telephone numbers frequently, or by having several telephones activated at the same time so that the subject can rotate their use. Other subjects use prepaid telephones and dispose of them when their time credits expire.

A practical example from the researcher’s experience is that an intellectually creative subject will go up to a uniformed police officer and point out the surveillant as someone who is following them. If the police officer delays the surveillant, the subject slips away but, if the police officer lets the surveillant go, the subject will know that he or she is a police official too.
3.8.1 Mobile counter-surveillance techniques

Lee (2004:112) asserts that during a drug trafficking surveillance operation the subject may drive a ten-kilometre trip, but once they come within a kilometre of their destination, the counter-surveillance commences. The subject will pull into dead end streets and park to see who is following them. They will make sudden, often illegal U-turns to see if vehicles are following them, and drive through parking lots and corner gas stations as shortcuts. Gilbert (2004:448) emphasises that a subject may attempt to test for surveillance by ignoring traffic lights or by doubling back. The surveillance team must consequently use discretion and constant communication to combat counter-surveillance techniques. Van Rooyen (2001:99) points out some of the things a subject will do to evade being surveilled as: trying to get lost in a crowd, boarding a bus just as it is about to leave and entering a building by one door and leaving by another. Van der Westhuizen (1996:99) cites another deception as when the subject drops a worthless piece of scrap paper to see if the surveillant picks it up. A variation on this is when the subject goes up to a passer-by, shows him or her an address on a piece of paper, and asks directions to this address. The subject tries hard to make this innocent contact look like a suspicious transaction, and then watches to see if the passer-by arouses suspicion and/or is followed.

Siljander and Fredrickson (2002:12) point out that if the subject goes into a building to lose the surveillant, the surveillant should take out some fluorescent powder and rub it on his or her shoes. This way, their backup surveillant can track the surveillant if they have to. Otherwise, the surveillant should use his or her portable radio or cell phone. At least one surveillant should stay in the lobby of the building, and other surveillants should cover as many exits as possible. If the subject takes an elevator, the surveillant should watch the indicator. Where the lift stops, try to pick up the trail on that floor. If the suspect checks into a hotel, get the room number from the hotel clerk and a record of outgoing phone calls. If the subject goes into a theatre, race track, or ball park, the lead surveillant should attempt to sit right behind the subject. Lee (2004:113) highlights that the same applies to bus rides or the subway. If the surveillant cannot get in the vehicle
with the subject, he or she should record the licence number, company, place and time. The taxicab company may provide the destination. Lee (2004:113) suggests that if the subject goes into a restaurant the surveillant should try to finish his or her meal first and pay the invoice shortly before the subject leaves. O’Hara and O’Hara (2003:233) explain that if the subject loses the surveillant in their own vehicle, when the surveillant catches up with the suspect again, he or she should feel the radiator to see if it is still warm. These authors further point out that the surveillant can also take the kilometre reading both before and after a trip.

According to Gilbert (2004:448), among the most common errors made by inexperienced surveillants are the following: staying parked in the same spot too long; using a conspicuous vehicle; having both surveillants in the front seat for an extended period of time; approaching the parking position furtively; parking in a prohibited zone, in this way attracting attention; operating a shortwave radio with excessive volume; failing to manage the changeover to the relieving team unobtrusively; and telephoning repeatedly from the same store or filling station. It is the experience of the researcher that the abovementioned mistakes are made frequently by inexperienced surveillants. These mistakes are avoided as the surveillant gains experience as a natural phenomenon.

The 30 participants were asked to name a few counter-surveillance techniques. The participants added the following, which corroborate the view of the researcher.

There were 13 participants who indicated that it is imperative to change routes, change time schedules and change methods and/or modes of transportation. Fourteen participants were of the view that changing appearance, back tracking while conducting counter surveillance and also scanning for electronic devices are important counter-surveillance measures. Three could not give any answers and it would seem that they did not have any knowledge of counter-surveillance techniques.
From the information provided by 27 of the participants it is evident that the participants understood the counter-surveillance techniques. The three participants that could not give any answer regarding any aspect of the different types of counter-surveillance techniques illustrate that they did not have any knowledge of the subject. The lack of knowledge can be attributed to a lack of experience and proper training.

On the basis of the literature consulted, the experience of the researcher and the interviews of the participants, the researcher is of the opinion that counter-surveillance techniques are important for all general detectives that participate in physical surveillance as they could also be used during meetings with their informants so that they are not detected.

The researcher knows from practical experience that the subjects have more ways to lose the surveillant than the surveillant has ways to keep up. The researcher would advise surveillants just to try to find the subject again and check the home or business addresses of the subject.

The 30 participants were asked if they made use of physical surveillance to obtain information for their investigation, and, if the answer was “no”, to explain why not. The participants added the following, which corroborated the view of the researcher:

There were 13 participants who indicated that they made use of physical surveillance but restricted it to overt surveillance, which means unconcealed open surveillance techniques, not the surveillance method that is dealt with in this study. Fourteen participants stated “no” and explained that the present cases that they were investigating were not of such a serious nature as to demand the use of other methods. A further three participants also said “no” and mentioned that they had not received adequate training and that resources were not available to utilise during this method.

It is apparent that the reason for the negative answers is that the participants had not been trained in the use of physical surveillance, as far as the researcher could determine nor
had they been exposed to the use of physical surveillance with in-service training or lectures. Physical surveillance is clearly not recognised as an important tool to obtain information for the investigation process.

The 30 participants were asked what suggestions they had to improve the use of physical surveillance for investigation purposes. The participants added the following, which corroborated the view of the researcher.

Five participants suggested that the general detective must know the basic principles of physical surveillance for investigation purposes, and it will be good if they can receive on-the-job training on how to do foot surveillance and vehicle surveillance, as this can only assist them with some of their cases where there is not enough evidence to prove the case in court. Two were of the opinion that finances should not be the limiting factor in an operation that requires physical surveillance; communication must be alive between the officers and time to prepare must be allocated. Three also suggested that the surveillant who undertakes the physical surveillance should be well trained and should be a suitable person to perform this very difficult task and that each detective branch must supplied with the necessary equipment to perform these duties. A further three participants suggested that repeated offenders must be put under surveillance on an ad hoc basis, as that will help combat crime and successfully solve cases. Six further mentioned that general detective members should be given the opportunity to attend courses or lectures and practical workshops. Seven suggested that surveillance be active in their investigations and that general detectives should have an awareness of the positive impact of its use and training. One participant mentioned that whenever physical surveillance is going to be utilised the required equipment must be made available so that the surveillance can be successful and more personnel should be allocated to carry out the specific task as it requires more time and resources and proper training. A further three participants said that they could not contribute towards any suggestions, as they had have not received adequate training on surveillance as a method and that they also did not have the resources to utilise during this method.
The 30 participants were asked from their experience to provide reasons for detectives not using physical surveillance as a technique. The participants added the following, which corroborated the view of the researcher.

There were 13 participants who indicated that the general detectives did not know how to do it. They felt that they had to perform a large amount of administration before they were able to make use of the Physical Surveillance Unit. The general detectives that must conduct the physical surveillance do not have the manpower or need more information regarding the case, or believe that the case is not “important” enough to warrant using surveillance as a technique. The general detective furthermore feels that the time that they spend on physical surveillance is too short or that the outcome is mostly negative. Three participants mentioned that there were no evident reasons why detectives should not use surveillance as a technique to enhance their investigation capabilities, but few detectives are trained and/or knowledgeable about its availability, uses, benefits and employable techniques. Four participants were of the opinion that detectives investigating general crimes do not need the suspects to be followed by use of physical surveillance; they believed that only organised crime units that need these resources should use them. A further five mentioned aspects such as that during operations covertly members could be exposed and many cases can get delayed if the detective uses this method. They further mentioned that there might be no progression with a case while surveillance techniques are used, which would mean that the detectives’ cases pile up and if this gets known by the community they will criticise the police. Two participants mentioned that the general detectives land up with an overload of case dockets because of the general shortage of skills and the knowledge of how to solve cases. They further stated that they do not have enough resources and have too much work to carry out this technique. Three participants said that they could not contribute towards any suggestions as they had not received adequate training and resources were not available to utilise during this method.
It is evident to the researcher that the following aspects hamper the use of this method by general detectives: a lack of training, knowledge and experience of the method; a lack of manpower and resources; an overload of case dockets; and a lack of will - they do not see the benefit of surveillance for their type of investigations.

The 30 participants were asked whether they thought the use of physical surveillance lectures needed to be improved. The participants added the following, which provided corroboration for the view of the researcher.

Eight participants suggested that in view of the increasing crime rate, as well as the poor convictions rate, and largely due to the ignorance of detectives about surveillance, they deem it vital for lecturing as well as training to be drastically improved by making use of practical examples and extending the duration of the presentations to one week, in order for the learner “detective” to receive hands-on experience. Three participants were of the opinion that each time crime takes place there is a new tactic and skill introduced to solving the crime. The use of surveillance techniques should be included as well and the detectives should be kept up to date with technology as criminals become more sophisticated.

Four participants mentioned that the theoretical lectures are adequate but emphasis needs to be put on the practical side and that training more members will improve the whole service delivery of the SAPS. A further five participants stated that the members receiving such lectures should open themselves up to absorb the valuable knowledge such lectures offered; as things change, such lectures could be adapted to the changes. Three participants were of the opinion that many detectives know little about surveillance and its purpose and that every detective can be given knowledge of physical surveillance. They mentioned further that most of the detectives do not know of the technique, when it is necessary, and how to practise it without being noticed. Four participants said that they could not contribute to any suggestions as they had not received adequate training and resources were not available for them to utilise during this method. One participant
queried whether such lectures existed for general detectives because during his 25 years in the SAPS and over the various courses he had attended he had never encountered such a lecture. Three participants further mentioned that they had never been trained and suggested that if the use of physical surveillance was introduced to the general detectives, the problem of the shortage of manpower would also have to be addressed.

The following important aspects with regard to the use of physical surveillance were highlighted by the participants: the ignorance about the use of surveillance; the need for training on surveillance as a method to be improved; the need for general detectives to receive training on the use of new technology to solve crime; the need for training on the practical application of surveillance; and, following the responses of some of the participants who suggested that they had not come across this type of training, the need for an increased awareness of existing training on physical surveillance in the SAPS. It is evident that there is room for improvement with regard to the use of physical surveillance as a method to obtain information.

3.9 Summary

It is of utmost importance that all investigators must know how to conduct physical surveillance to obtain information for the investigation process. The research, however, revealed that general detectives do not always acknowledge the use of physical surveillance, because of a lack of training. Static, foot and vehicle surveillance methods were thoroughly discussed and it became evident that they are often used in conjunction with each other. Planning and preparation are essential to ensure the success of a physical surveillance operation.

There are different types of physical surveillance techniques that can be used to obtain information and evidence for the investigation process. It is also important that the surveillant be familiar with the different tactics that can be used. Before surveillance is conducted it is important to carry out a proper pre-surveillance assessment. Not everyone
makes an ideal surveillant; it is important to have the right qualities to ensure success. The surveillance report is of vital importance and all the necessary aspects, such as times and locations and movements of the suspect, should be included in the report.

Physical surveillance operations can reveal many aspects about the suspect’s life and associates he or she interacts with that could not otherwise be determined. Physical surveillance operations often lead to the identification of co-conspirators and stash places. Information and evidence obtained during surveillance operations are often used as the basis of arrest and to obtain search warrants.

The following chapter presents the research findings and recommendations of the study.
CHAPTER 4
FINDINGS AND RECOMMENDATIONS

4.1 Introduction

This chapter presents the findings and recommendations derived from the information obtained from the interviews with the general detectives and an in-depth literature study. The decision to conduct research on this topic was as a result of the current problem with the underutilisation of physical surveillance, as a technique, during investigations by the general detectives of the SAPS. The primary objective of this research was to provide factual and well-researched information, which can be used by SAPS management, regarding the potential and scope of physical surveillance as a supplementary technique to achieve investigation objectives and successes.

The researcher therefore determined what the role of physical surveillance within forensic investigation is. He also determined how physical surveillance should be conducted to obtain information for the investigation process. The focus of this study was on static (stationary), foot and vehicle surveillance because these types of surveillance are usually used in combination during a surveillance operation.

The research questions enabled the researcher to focus on the identified problem and ensure that findings and recommendations relate to the research problem.

4.2 Findings

The following findings are based on the responses received from general detective participants, the literature study and the researcher’s own experience as an investigator and practising within the field of physical surveillance in the SAPS. The relevant findings have been grouped under each research question addresses by the study.
4.2.1 Research Question 1: What is the role of physical surveillance within forensic investigation?

The research revealed the following:

- It became evident that forensic investigation is an investigation aimed at instituting court proceedings, criminal as well as civil, and where some or other scientific knowledge is applied to a legal problem;
- Physical surveillance as a method to obtain information for the investigation process plays an important role in forensic investigation;
- The use of physical surveillance as a technique in relation to criminal suspects allows investigators to obtain evidence not only without the co-operation of a subject, but also without the knowledge of the suspect;
- Of all the investigative tools available to the investigator for gathering information, surveillance is without a doubt the most labour intensive and most expensive;
- It is the only investigative tool or technique where the investigator has no control over the unpredictability of the suspect’s actions or movements;
- It is a fine art form that requires proper training, constant exposure, proper equipment, teamwork and a bit of luck;
- The surveillant needs to be prepared for any eventuality and therefore needs the most comprehensive information available prior to the surveillance;
- It cannot be overemphasised that proper planning prior to surveillance is paramount for success;
- Crimes that usually require physical surveillance are gambling, prostitution, drug trafficking and businesses that are used as a front to hide actual crimes being committed; and
- General detectives do not utilise surveillance to obtain information as often as they should.
- The research revealed that the following are some of the reasons for conducting
physical surveillance:

- Obtaining admissible evidence;
- Developing investigative leads;
- Verifying information from an informant;
- Controlling and safeguarding activities of a police trap;
- Observing a crime being committed;
- Corroborating information;
- Establishing the existence of a violation;
- Obtaining probable cause for a search warrant;
- Identifying the suspect’s associates;
- Locating people, places and objects;
- Rendering protection and support to informers;
- Obtaining information for later use in interrogations;
- Profiling suspects and associates;
- Preventing crime;
- Protecting and documenting the movements of an undercover agent;
- Uncovering the identities of co-conspirators and stash houses.

The research revealed the following reasons for physical surveillance being a reliable and important method of gathering information:

- The surveillant is simultaneously the collector of information;
- The information is accurate and the surveillant collects what is needed;
- Information cannot be obtained through the usual collection methods;
- Information is secure because it stays in own hands;
- A surveillant must have a thorough knowledge of the laws governing surveillance activities.
4.2.2 Research Question 2: How should physical surveillance be conducted to obtain information for the investigation process?

The research revealed the following:

- Physical surveillance is normally used to obtain information when proven investigative methodologies do not produce the desired results;
- It is of vital importance that investigators know how to conduct physical surveillance to obtain information for the investigation process;
- It is important to differentiate between overt and covert techniques; “overt” refers to conventional police methods used to gather evidence while a “covert” technique such as physical surveillance is conducted in secrecy and the subjects are not aware of the fact that they are being investigated for an offence;
- Effective physical surveillance requires teamwork; a clear chain of command must be established; and every surveillant must fully understand what is expected;
- Physical surveillance can be divided into two main categories: static surveillance, which is conducted from a fixed place, and mobile surveillance, which is conducted on foot or using a vehicle;
- With the exception of long-term static surveillance none of the surveillance techniques are used exclusively but flow in and out of each other; a surveillance operation may commence as a static surveillance at the subject’s house, then move over to foot surveillance as the subject emerges and walks into town;
- Static, foot and vehicle surveillance methods can be conducted by general detectives themselves;
- Different methods and techniques can be used to conduct physical surveillance;
- Any successful surveillance requires a pre-assessment, with the objective of gathering intelligence that enables the anticipation of the movements of the subject;

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• Before surveillance can be conducted all information possible needs to be gathered regarding the subject to ensure that the surveillance remains focused on its goal yet prepared for any unforeseen eventuality;
• Not anyone can act as a surveillant; it is important that surveillants possess the necessary personal qualities to be effective;
• There is no standard equipment for all the situations under which surveillance operations are carried out; the kind of case and circumstances will determine what equipment is needed;
• Equipment to disguise the surveillant and the surveillant’s vehicle will also vary according to the circumstances of the case;
• It is of vital importance that complete surveillance reports be compiled of all surveillance operations;
• It is imperative for surveillants to be aware of counter-surveillance methods;
• Physical surveillance is a covert method, an organised and well-planned target-directed activity aimed at collecting evidence and information, by using senses to observe a subject(s) in order to confirm or refute suspicions or allegations;
• The covert gathering of information and intelligence should be urgently considered by general detectives;
• Investigators cannot function without the use of new techniques and despite this investigators do not make use of physical surveillance techniques;
• Not all investigators understand the procedures of physical surveillance or utilise it in the fight against crime;
• The method is effective for addressing the “faceless” subject and his or her associates, because they have a hands-off approach;
• Physical surveillance operations give the investigators a holistic overview of the compilation of a syndicate and identify role players;
• Counter-surveillance is important to secure that the surveillance operation is not exposed.
4.3 Recommendations

In order to address the shortcomings with regard to the use of physical surveillance in forensic investigation in the SAPS, the following recommendations are made to improve the investigative process:

- General detectives should be introduced to the concept of forensic investigation and be trained to implement more scientific (specialised) methods or techniques during their investigations;
- Every investigator should be able to apply physical surveillance as an investigative technique to obtain evidence, information and/or intelligence for the investigation process;
- General detectives should receive training in the technique of physical surveillance and have a refresher course or in-service training available, as the use of physical surveillance was only introduced in the general detectives’ curriculum in 2004;
- When new techniques of physical surveillance are developed internationally, they should be looked at and evaluated to see if they can be implemented locally;
- The use of physical surveillance as a technique in forensic investigation should be increased because it will result in more cases being solved by investigators;
- General detectives should be trained to use physical surveillance in a proper and lawful manner;
- The SAPS should encourage more officers, both within the detectives and from the uniform branch, to utilise physical surveillance to obtain information;
- Officers with particular skills at surveillance should be identified and provided with additional training to enhance their capabilities and enable their use as mentors to less-experienced colleagues;
- To maximise the use of physical surveillance by increasing the number of operatives, the general detectives need to implement effective management and dissemination procedures;
• Proper control and management of physical surveillance should be established at the onset of the investigation with the considering of different laws;
• Physical surveillance’s role should be well defined for it to provide valuable information and intelligence;
• Investigators should receive training in the whole crime intelligence process;
• Structures in the SAPS should be put in place to involve all departments’ (such as uniform and general detective units) training initiatives on physical surveillance; currently it is only viewed as a CI function;
• The research will change the perception of the SAPS about the role of general Detectives in physical surveillance.

4.4 Conclusion

Physical surveillance is an important tool in the hands of investigators. We are living in a technological era and the criminal elements are using technology to their advantage, so the time has come that detectives, uniform members and specialised units (surveillance units) start working together in order to reduce crime in our country. The SAPS has a duty to provide a service to the community and this service includes the investigation of crime and the taking of the said cases to court.

It is the duty of the general detectives to ensure that everything legally possible is undertaken to conduct a thorough investigation of the matter concerned. Unfortunately the method of physical surveillance is not used by most detectives and not to use it means that a golden opportunity is missed to obtain information for the investigation process.

As crime continues to be a major problem to the South African society, the criminal justice system struggles to maintain its effectiveness. From the research conducted it is evident that physical surveillance plays an important role in getting information and intelligence.
In order for the investigators to perform this task, they need to be equipped with the knowledge and know how. It is the duty of the SAPS to educate members of the detective services and to ensure that the quality of the education is of a high standard. This would include the thorough training of personnel who would be responsible for the training of the detectives. This may lead to more effective testimonies and better judicatures in our courts. The utilising of international strategies, methods, techniques and resources such as the physical surveillance method would be a good start.

The researcher believes that further research is needed on the methods and techniques to conduct physical surveillance. Research to develop a proper curriculum for training of general detectives is needed on an on-going basis.

According to Informants and Surveillance (2007), good surveillance can make a poor case but poor surveillance can break a good case. “Good surveillance, good case. Bad surveillance, bad case. No surveillance, no case.”
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ANNEXURE A

INTERVIEW SCHEDULE

TOPIC: THE USE OF PHYSICAL SURVEILLANCE IN FORENSIC INVESTIGATIONS

OPENING

My name is ………………………………………., a member of the SA Police Service. I am doing research on the nature and extent of problems experienced by detectives. I thought it a good idea to interview you, so that I can be better informed of the nature and extent of the problems experienced by detectives.

I would like to ask you some questions to determine the nature and extent of problems experienced by detectives in the use of physical surveillance at the Detective Service.

I hope to use this information to help detectives address the problems experienced in the use of physical surveillance.

The interview should take about 30 minutes. Are you available to respond to some questions at this time?

Do you give your permission to participate in the research and to be interviewed? Yes/No……………………………………

SECTION 1: HISTORIC INFORMATION

1. What is your age?
2. What is your gender?
3. Are you a practicing investigator?
4. Have you receive any training in respect of the investigation of crime?
5. How many years of investigation service do you have?
6. What type of cases do you investigate?
SECTION 2: THE ROLE OF PHYSICAL SURVEILLANCE WITHIN FORENSIC INVESTIGATION

7. Describe the meaning of physical surveillance?
8. What reason is there for conducting physical surveillance?
9. Discuss when would you use physical surveillance as an investigation tool?
10. Mention the basic principles on which physical surveillance is based?
11. According to your knowledge name the applicable law that is relevant to physical surveillance?
12. Can you explain what criminal investigation is?
13. Can you explain what forensic investigation is?
14. According to your knowledge is there a difference between criminal and forensic investigation? If the answer is YES, explain what the difference is?
15. What are the objectives of investigation?

SECTION 3: USE OF PHYSICAL SURVEILLANCE

16. Describe the different types of physical surveillance?
17. Name the different tactics that can be used during physical surveillance?
18. During the planning of physical surveillance do you carry out a pre-surveillance assessment? If the answer is YES, name the aspects that should be taken into consideration?
19. According to you, what must the qualities of a surveillant be?
20. According to you, what equipment is needed to conduct physical surveillance?
21. Name the important aspects that should be included in a surveillance report?
22. According to your knowledge, what type of hints is there for physical surveillance?
23. Can you name a few counter surveillance techniques?
24. Do you make use of physical surveillance to obtain information for your investigation? If answer is NO, explain why not?

25. What suggestions do you have to improve the use of physical surveillance for investigation purposes?

26. From your experience provide reason for detectives not to use physical surveillance as a technique?

29. Do you think that the use of physical surveillance lectures need to be improved?

Well, it has been a pleasure finding out about you and your work. Let me briefly summarise the information that I have recorded during our interview.

**CLOSING**

I appreciate the time you took for this interview. Is there anything else you think would be helpful for me to know?

I should have all the information I need. Would it be all right to call you at any time, if I have any more questions? Thanks again.

Reference number of respondent………………………Date: ………………………..

THANK YOU:
ANNEXURE B

Surveillance reference: ____________

APPLICATION FOR SERVICES FROM THE SURVEILLANCE UNIT

Date: ______________

The Surveillance Unit serves as a support unit for clients who mainly operate in the SR account.

In respect of the function of a Surveillance Unit the following "quotation" will help clarify the perspective.

"Many investigations are conducted for months and even years before enough information are developed to warrant surveillance of a subject. In fact, surveillance is normally employed after an investigation has matured to the point at which all investigative leads have been exhausted without developing the necessary evidence. Surveillance at this point is the investigation tool that is exercised to develop the missing pieces of information that pure investigative research was unable to uncover."

(Secrets of surveillance: ACM IV Security Services: IX - X)

In exceptional cases surveillance is carried out on a short term basis for example a suspect who has gained access to the RSA through an international airport and a request has been submitted from Interpol for monitoring.

This means that the Surveillance Unit except in exceptional cases is not used as a starting strategy but a specialised assistance in the advanced stages of any investigation.

REMARKS

The under mentioned particulars must be completed as thoroughly as possibly so that the surveillance unit can carry out an objective practicality study to see what proof/evidence surveillance can produce with regard to the particular crime.
APPLICATION FOR THE SERVICES OF SURVEILLANCE UNIT

DATE: ......................................

SURVEILLANCE UNIT REFERENCE: ......................................................................................

OPERATION NAME: ..................................................................................................................

CLIENT REFERENCE NO. : .............................................................................................................

(CR/CAS/ENQUIRY)

OCTA / CTA NO: .................................................PRIORITY ..........................................................

ISIS NO: ....................................................................................................................................... 

UNIT/BRANCH: ..............................................................................................................................

REQUESTING OFFICER: ............................................................................................................

TEL NO (W):......................................................TEL (H) ........................................................

CELL NO: ...........................................................

ALLEGED OFFENCE: ....................................................................................................................

....................................................................................................................................................

NAME OF SUSPECT: ....................................................................................................................

ID: ................................................................................................................................................

ADDRESS (HOME): ......................................................................................................................

....................................................................................................................................................

TEL NO (H): ......................................................TEL NO (W) .................................................

ADDRESS (WORK)
..................................................................................................................................................

CONTACT ADDRESS: ....................................................................................................................

....................................................................................................................................................

DESCRIPTION OF SUBJECT

AGE: ...........................................................LENGTH: ............................................................

HAIR (COLOUR): ......................................STYLE: .................................................................
BEARD: YES/NO  MOUSTACHE: YES/NO
EYES (COLOUR): .................................. SPECTACLES: YES/NO
NATIONALITY:
........................................................................................................................................
SEX:
...........................................................................................................................................

DISTINGUISHING CHARACTERISTICS
............................................................................................................................................
............................................................................................................................................

VEHICLE PARTICULARS
REGISTRATION NO: .................................................................
MAKE: ............................................................................................
MODEL: ............................................................................................
COLOUR: ...........................................................................................
DISTINGUISHING CHARACTERISTICS
........................................................................................................................................
............................................................................................................................................

IS ANYTHING FAMILIAR ABOUT THE MODUS OPERANDI, TECHNIQUE AND/OR TACTIC OF THE SUBJECT AND/OR PERSONS ATTACHED TO THE SAID SYNDICATE?
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............................................................................................................................................
............................................................................................................................................

TASKING FOR SURVEILLANCE UNIT
(PLEASE BE EXPLICIT WITH THE TASKING REQUIRED FROM THE SURVEILLANCE UNIT AS TO ALLEVIATE MISINTERPRETATION)
ARE PHOTO'S REQUIRED : YES/NO
IS VIDEO FOOTAGE REQUIRED : YES/NO
IS TECHNICAL COVERAGE DONE : YES/NO
IS A REPORT REQUIRED : YES/NO

**TAKE NOTE:**
1. I have taken cognizance of the content of the Protection of Information Act, 1982 (Act No 84 of 1982), and in particular section 4.
2. I have taken note of the content of SPECIAL FORCE ORDER 2A/1991; SECURITY GUIDELINES FOR THE PROTECTION OF CLASSIFIED INFORMATION, that I have read and understood the document, and shall comply with provisions therein.
3. I understand that I shall be guilty of an offence should I disclose to any person any **information** which I possess in my official capacity or which has been entrusted to me.
4. I understand that the above provisions and prescriptions are not only applicable during the term of office, but also after my service in the South African Police Service have been terminated.
5. I am fully aware of the serious consequences which may result from any breach or contravention of the above provisions and prescriptions and that I can be held responsible for any criminal or civil action that may result from the breach or contravention of such provisions or prescription.

**SIGNATURE OF INVESTIGATING OFFICER:** .................................................................
RECOMMENDATION: COMMANDER: .................................................................
.....................................................................................................................
.....................................................................................................................
.....................................................................................................................
.....................................................................................................................

SIGNATURE: COMMANDER
ANNEXURE C

SURVEILLANCE REPORT OUTLINE

SUBJECT #1: (Primary subject). Identify completely to include full name, address, phone number, description in detail, place of employment if pertinent, etc. Include type(s) of vehicles driven, style, colour and registration number.

SUBJECT #2: Handle the same as for subject #1. (Note: In some cases there will be more than two subjects. List all involved subjects in the same manner as subject #1.)

DATE:
TIME: Explain in detail exactly what was observed. TIME:
TIME:
TIME:
TIME:
TIME:
DATE: (Start each new day after 12 midnight with a new date heading.)
TIME:
TIME:
TIME:
TIME:
TIME:
ATTACHMENTS: List any attachments such as photographs. Describe each photograph explaining what it shows or represents.

REMARKS: Enter any remarks that may tend to clarify or supplement information contained in the report.
SUBJECT: MBATA
REFERENCE: 1/03/02

TASK TO TEAM: MONITOR SUBJECT, CST MO MBATA IN A WHITE MAZDA SEDAN, CSN 301 EC TO ESTABLISH HOUSES VISITED BY HIM IN PORT ELIZABETH

THURSDAY 2002-02-28

09:00 Team in position at Colchester in Port Elizabeth waiting for subject to come through from Cradock in a white Mazda Sedan with registration CSN 301 EC.

OWNERSHIP: CSN 301 EC - White Mazda Sedan
SAPS
CRADOCK

12:56 Operative locates subject 60 km before reaching Port Elizabeth. Subject is accompanied by another black male.

13:06 Operative reports that subject stops at the Colchester Garage to buy cool drinks and for the purpose of relieving themselves at the toilets.

13:10 Operative reports that subject departs from Colchester.
Operative reports that subject drives into Kwazakhele and enters Kuzwayo Street to proceed to Buyambo Circles where he drove between the houses towards a playground in the area and disappeared. This area is a Squatter Camp and there is no roads as such only cleared areas between the houses that make due as road. There are usually no vehicles on these roads so following the subject into that area is very difficult.

Members combed the vicinity of Buyambo as well as neighbouring suburbs.

Subject is not located in Kwazakhele, the possibilities are that he travelled towards town.

Operative reports that the Investigating Officer informed him that subject is at Mount Road Police Station.

Operative reports that the vehicle used by subject is not parked at Mount Road Police Station.

Operative reports that subject is located at the Beach Front in Summerstrand. He is accompanied by a black man wearing a broad beige coloured hat.

Operative reports that subject stops at the Fruit and Veg Shop close to Sidwell in Grahamstown Road.

Operative reports that subject depart from the Fruit and Veg Shop. Operative reports that both subject and his passenger spoke to a black man wearing blue oil stained overall possibly employed by Spring Well at the immediate vicinity of the Fruit and Veg.
16:49 Operative reports that subject drive towards the businesses behind Johan Wagner Motors and return to Grahamstown Road. The subject was definitely doing counter surveillance because he just look the turn off then came straight back out again.

16:54 Operative reports that subject stops at the Engen Garage in New Brighton. Passenger gets out and looks at all vehicles that drive past as if he wants to see who is following him.

16:59 Operative reports that subject depart from the Engen Garage.

17:10 Team withdraws.

COMMENTS:

When the subject was picked up at 16:19 on Summerstrand he was constantly doing counter surveillance by driving into dead ends that is not marked to establish if someone is following them.
PHOTO ALBUM:

FILE 1/03/02

1. SUBJECT MBATA
2. SUBJECT AND SUSPECT 1.
3. SUBJECT AND SUSPECT 2.
4. SUBJECT AND SUSPECT 1.
OPERATIONAL REPORT:
SURVEILLANCE:

Request received: On 2005-08-12 form Beacon Bay Detective Service, D/Insp(f) G Viviers [tel. 043-7336071 - cell 0823770861] Request approved by Snr Supt Gounden and Snr Supt M J Mfundisi

File: 03/08/05

Alleged offence: Fraud, Housebreaking and Theft

Suspect: P M Mkwali
ID: 6304101485088
Address: 23 Charter Street, Brookville
Work address: SAPS Dog Unit, Woodbrook

Description of subject: Xhosa female

Vehicle particulars: 2005 Light Metallic Green Opel Corsa

Tasking for Surveillance Unit: Observation of suspects movements as suspect is involved in a syndicate committing fraud, housebreaking and theft. Photo’s to be taken of contacts who meets with the suspect.

Subject 1 is P M MKWALI
Subject 2 is Black male that picked the main subject up and took her to work and is suspected that he lives at 1377 N U 13, Mdantsane.

**SURVEILLANCE ACTIONS:** From 2005-07-26 TO 2005-08-19
From 2008-08-20 TO 2005-09-06

**RESULTS:** Kindly supply this office with a result. Fax [043-7220252 or cell: 0825682836] If there are any questions / clarifications concerning the surveillance report please do not hesitate to contact this office.

**SUBJECT:** P. M. MKWALI

**REFERENCE:** 3/08/05

**TASK TO TEAM:** MONITOR SUBJECT’S ACTIVITIES

**SATURDAY 2005-08-20**

06:30 Team in position at no. 3 Charter Street, Brookville in East London. No movement detected at the premises.

07:09 Operative reports that a black male +-18 years old wearing blue jeans and a blue windbreaker exits subject’s premises and departs on foot.

07:40 Operative reports that a black female +-1,6 m tall wearing a blue top and pink lags, +-35 years old exits the premises and empties a bucket of water at the pavement and then enters the residence.

07:42 Operative reports that a black male +-19 years old, 1,80 m tall and wearing black lags and a dark blue jersey exits subject’s residence and departs on foot.
Operative further reports that the black male enters a shop in De Wet Street (Dev’s Café).

07:48 Operative reports that the black male wearing black lags and dark blue jersey enters subject’s residence.

08:27 Operative reports that the black male wearing blue jeans and blue windbreaker enters subject’s residence. This is the same black male who departed from the residence at 07:09.

09:01 Operative reports that the black female wearing blue/grey top and lags carries a black carry bag, +1.6 m tall, +38 years exits subject’s residence and departs on foot. Operative further reports that this black female gets into a blue Toyota Cressida with reg. DCZ 872 EC on the corner of Charter Road and Military Road and departs.

**OWNERSHIP: DCZ 872 EC - blue Toyota Cressida**

M. S. Mkwali  
No. 32 Olympic Houses  
West Bank  
EAST LONDON  
ID. NO.: 6304101485088

09:15 Operative reports that vehicle DCZ 872 EC stops at Shoprite parking area and the occupants remains in the vehicle.

09:35 Operative reports that the black female has been identified as subject’s sister and that the bag she is carrying contains various pairs of shoes which she is selling.
09:40 Operative reports that subject’s sister gets into a taxi destine for Eziphunzane Area and departs.

09:41 Operative reports that according to a conversation subject’s sister had with another black female is that subject is currently at work. Operative further reports that subject has been transferred to the Provincial Commissioner’s Offices in Zwelitsha.

10:41 Operative reports that no movement detected at the residence.

11:40 Team withdraws

**WEDNESDAY 2005-08-24**

06:15 Team in position at subject’s residence at no. 23 Charter Street, Brookville in East London.

06:22 Operative reports that three (3) occupants get into vehicle BSN 153 EC green Opel Corsa and departs. Operative further reports that there is a black female wearing SAPS uniform in the front left passenger seat and the other two (2) occupants are black males.

**OWNERSHIP: BSN 153 EC - green Opel Corsa**

N. P. Mkwali
No. 23 Garcia Street
Brookville
EAST LONDON
ID. NO.: 6304101485088
06:28 Operative reports that the vehicle (BSN 153 EC) stops in Oxford Street and the black female wearing SAPS uniform enters Butterfield Bread and exits again.

06:30 Operative reports that vehicle BSN 153 EC departs.

07:09 Operative reports that vehicle BSN 153 EC enters the SAPS Head Office in Zwelitsha.

07:12 Operative reports that the black female wearing SAPS uniform enters the SAPS Head Quarters and the vehicle departs with two (2) occupants.

07:14 Operative reports that the vehicle stops at Zwelitsha traffic lights and picks up two (2) black male hitch-hikers and departs.

07:55 Operative reports that vehicle BSN 153 EC stops at Border Technikon and the two (2) black male hitch-hikers exits the vehicle and the vehicle departs.

07:40 Operative reports that vehicle BSN 153 EC stops opposite Fort Jackson SAPS and picks up a black female hitch-hiker and departs.

07:45 Operative reports that subject 2 [driver of the vehicle] stops at N U 12 bus-stop and drops off the black female hitch-hiker and the vehicle departs.

07:47 Operative reports that subject 2 stops at a house, no. 1789 N U 11 B and a passenger gets out of the vehicle and talks to the occupants of the house.

07:53 Operative reports that subject 2 depart and there are three (3) occupants in the vehicle.
08:00 Operative reports that subject 2 stops at Engen Garage at High Taxi Rank in Mdantsane, drops off two (2) black males and departs.

08:13 Operative reports that subject 2 stops at no. 1277 N U 13, Mdantsane and enters the house.

08:15 Operative reports that subject 2 departs and further reports that there are three (3) occupants in the vehicle, the driver and two (2) black females.

08:27 Operative reports that subject 2 stops next to the road opposite Cementile and one (1) of the occupants, a black female gets sick next to the vehicle.

08:31 Operative reports that subject 2 depart.

08:45 Operative reports that subject 2 stops at Frere Hospital and drops off the two (2) black females, one (1) +25 years old and the other +50 years old and departs alone in the vehicle.

08:51 Operative reports that subject 2 stops at a business in Southernwood, East London. Operative also reports that the name of the business is AChang Foot, Van Breda Attorneys, and Tel.: 043 7431351”.

08:54 Operative reports that subject 2 exits the business and walks to a street vendor outside the business, then walks back to his vehicle and departs alone in the vehicle.

09:06 Operative reports that subject 2 stops at Border Chem. Pharmacy near Shoprite in town (East London) and talks to two (2) black males.
09:21 Operative reports that subject 2 depart in vehicle **BSN 153 EC** together with the two (2) black males whom he met at Border Chem. Pharmacy.

09:26 Operative reports that subject 2 stops in Caxton Street in front of Caxton House and the occupants of vehicle BSN 153 EC makes contact with occupants of **silver VW Jetta with reg. DHZ 072 EC**. Operative further reports that subject 2 remains in his vehicle (BSN 153 EC) an the other two (2) occupants of subject’s vehicle move back and forth between vehicle DHZ 072 EC and subject’s vehicle (BSN 153 EC).

**OWNERSHIP: DHZ 072 EC - silver VW Jetta**  
N. P. Nvumbi  
No. 1311 Solo Flats  
Cambridge  
EAST LONDON  
ID. NO.: 7406180316087

09:40 Operative reports that an occupant of vehicle DHZ 072 EC makes contact with a black male driving a red VW Playa with reg. CXZ 611 EC before departing.

**OWNERSHIP: CXZ 611 EC - red Playa**  
Riegers Hire CC  
Main Road  
Gonubie  
EAST LONDON  
ID. NO.: 8417703230047

09:41 Operative reports that subject depart in vehicle BSN 153 EC. Operative further reports that there are two (2) occupants in the vehicle, the other black male who
arrived at Caxton Street with subject departs together with the occupants of vehicle DHZ 072 EC, silver Jetta.

10:03 Operative reports that subject stops at Shell Garage (Yako’s) at the entrance to Mdantsane and refuels his motor vehicle.

10:08 Operative reports that subject departs and there are two (2) occupants in the vehicle.

10:20 Operative reports that subject stops in N U 11A, Mdantsane and talks to three (3) pedestrians who are standing opposite house number 1877 N U 11A.

10:22 Operative reports that subject enters house number 1871 N U 11A. Operative further reports that subject parks his vehicle (BSN 153 EC) in the yard before enters inside the house and the black male occupant also enters the premises.

10:40 Operative reports that subject exits the house wearing short pants with a towel hanging over his shoulder and hangs some clothing over the fence and then enters the house. Operative also reports that it appears as if subject has been washing himself.

11:00 Team withdraws.

**COMMENTS:**
Operative reports that when subject was parked in front of Border Chem. Pharmacy he was talking to several black males who appeared to be giving directions to another person and these black males were to accompany the person asking for directions.

**THURSDAY 2005-08-25**
6:00  Team in position at no. 23 Charter Road, Brookville in East London. The lights of the house are on. The green Corsa Sedan with reg. BSN 153 EC is nowhere to be seen.

06:20  Operative departs from the team to see if operative can find the green Corsa in Mdantsane.

06:36  Operative reports that the Corsa has been found at house no. 1883 N U 11B, Mdantsane and this is the same house the team last saw the Corsa yesterday.

07:30  Operative reports that there is no movement at the house (1883 N U 11B).

08:30  Operative reports that there is no movement at the house.

08:48  Operative reports that there are +eight (8) people standing around the green Corsa, reason unknown to operative.

09:15  Operative reports that the green Corsa departs from the house (1883 N U 11B) and the driver is the same person as yesterday with one (1) passenger in the vehicle.

09:18  Operative reports that the Corsa stops at Engen Garage in N U 11, Mdantsane and the driver gets out from the vehicle and walks to the Standard Bank ATM, draws money and walks back to the Corsa again. The driver is wearing orange rugby jersey, khaki long pants and black shoes.

09:22  Operative reports that the green Corsa departs.

09:25  Operative reports that the Corsa pulls into Total Garage in N U 6, Mdantsane and the driver gets out from the vehicle, walks across the road and to talks to a black
male wearing white long sleeve top and tracksuit pants. Operative also reports that this black male the driver talks to, is the same person that the driver spoke to at the Checkers parking area in the corner of Oxford Street and Fleet Street in East London that was wearing the blue cap.

09:32 Operative reports that the driver is back to the green Corsa and depart.

09:36 Operative reports that the green Corsa pulls into Kuyasa Shopping Centre in N U 2, Mdantsane. The driver gets out from the vehicle and walks into the Shopping Centre and the passenger remains in the vehicle. **Operative goes out of foot behind subject.**

09:37 Operative reports that a grey old Mercedes Benz with reg. FXR 554 GP follows the Corsa and there are three (3) occupants inside the vehicle, the driver and two (2) females. Operative further reports that the driver of the Mercedes Benz is a black thin male, +1, 5 m tall, clean shaven wearing black T-shirt and grey faded jeans and there is no description of the two (2) females.

**OWNERSHIP: FXR 554 GP - grey old Mercedes Benz**

T. N. Mwamanda  
[No address]  
***ID. NO.: 5902096517083***

09:52 Operative reports that the Corsa and the Mercedes Benz departs together cross the road and enter Engen Garage in N U 2, Mdantsane and the Corsa drives through the garage and departs.

09:53 Operative reports that the Corsa stops alongside the road, picks up a passenger and departs.
09:54 Operative reports that the Corsa stops alongside the road and the passenger climbs out, walks away and the Corsa depart.

09:58 Operative reports that the Corsa stops at Shell Garage in N U 1, Mdantsane and fills with fuel.

10:02 Operative reports that the Corsa departs from the garage.

10:08 Operative reports that the Corsa stops at Engen Garage in N U 2, Mdantsane and the grey old Mercedes Benz joins up with the Corsa. The driver of the Corsa climbs out and talks to the driver of the grey old Mercedes Benz who is standing in the road in front of Engen Garage.

10:16 Operative reports that the driver of the Corsa is back at his vehicle and depart alone in the vehicle, left the driver of the Mercedes Benz behind at the Engen Garage.

10:20 Operative reports that the Corsa stops next to the road, makes/receives a cell phone call.

10:26 Operative reports that a **blue Toyota Tazz with reg. CXS 193 EC** pulls up behind the green Corsa with two (2) black females and one (1) black male gets out of the Tazz and talks to the driver of the Corsa. Operative also reports that one (1) woman who is the driver is wearing grey T-shirt, khaki three quarter (:) pants, white sandals, overweight and she is +28 years old and the other one (1) is wearing blue top, black pants, yellow takkies, +28 years old and she is overweight. The black male is wearing light grey long sleeve top, black long pants, black shoes, short black hair, clean shaven, +26 years old and normal built.

**OWNERSHIP: CXS 193 EC - blue Toyota Tazz**
10:27 Operative reports that the driver of the Corsa opens the Corsa’s boot and the woman driver of the Tazz takes a plastic see-through bag and hands it to the driver of the green Corsa who puts it into the left front seat of the Corsa (unknown objects in bag possibly clothes).

10:28 Operative reports that the green Corsa departs and the blue Tazz left behind.

10:40 Operative reports that the Corsa stops in St Paul’s Street, North End in East London and the driver gets out with the plastic bag and walks to an unknown destination.

10:50 Operative reports that the driver of the Corsa is back with the plastic bag, gets inside the vehicle and departs, from the vehicle talks to the security guard at the security gate/access control.

10:54 Operative reports that the driver of the Corsa walk past his Corsa and team loses him due to pedestrian traffic.

11:00 Team takes up hot-spot on green Corsa.

11:30 Team withdraws.

THURSDAY 2005-09-01

06:00 Team in position at no. 23 Charter Road, Brookville in East London. The lights are on in the house and the garage door is closed.
06:50 Operative reports that the garage door is opened by a black male accompanied by two (2) black females and one (1) in police uniform. The black male is wearing blue or black windbreaker, navy blue pants and dark shoes. The Corsa pulls out of the driveway and departs.

06:55 Operative reports that the green Corsa with reg. BSN 153 EC stops in Oxford Street close to the Fleet Street and the passenger on the left rear gets out of the vehicle and runs across the road.

06:56 Operative reports that the green Corsa departs (the driver is the same as on 2005-08-24 and 2005-08-25).

06:59 Operative reports that the green Corsa pulls into Engen Garage in corner of Oxford Street and Kimberly Road in East London, stops next to the petrol pump and fills the vehicle with fuel.

07:02 Operative reports that the green Corsa departs. Team loses the Corsa due in traffic.

08:00 Operative reports that team arrives at Provincial Headquarters in Zwelitsha, King Williams Town to check for the Corsa and finds out the vehicle is not there.

08:50 Team drives back to East London and checks at address for the green Corsa.

09:45 Operative reports that all members have no results in picking up the Corsa.

10:00 Team withdraws.

**SATURDAY 2005-09-03**
06:00 Team in position at no. 23 Charter Road, Brookville in East London. No movement detected at subject’s residence.

07:00 Operative reports that there is no movement detected at subject’s residence.

08:00 Operative reports that no movement detected at subject’s residence.

09:00 Operative reports that no movement detected at subject’s house.

10:00 Operative reports that no movement detected at subject’s house.

11:00 Operative reports that no movement detected at subject’s house.

12:00 Operative reports that no movement detected at subject’s house.

13:15 Team withdraws.

TUESDAY 2005-09-06

06:15 Team in position in at N U 11, Mdantsane and in no. 23 Charter Road, Brookville in East London.

06:18 Operative reports that a white Toyota Corolla with reg. CKZ 355 EC is parked at subject’s boyfriend’s house, at house no. 1772.

Ownership: CKZ 355 EC - white Toyota Corolla
E. N. Mathafeni
Tsolo Location
KING WILLIAM’S TOWN
ID. NO.: 6106290740082
06:21 Operative reports that the Toyota Corolla departs at the house driven by a black male who used to drive a blue Corsa which is alleged to be subject’s car.

06:48 Operative reports that the vehicle stops in front of subject’s house in no. 23 Charter Street. The subject with full police uniform gets out of the house and gets inside the vehicle and the vehicle quickly departs towards East London.

07:19 Operative reports that the vehicle goes in at Provincial Police Head Office in Zwelitsha. The subject gets out from the vehicle and proceeds towards the main exit and the vehicle (Toyota Corolla) depart.

08:16 Operative reports that the Toyota stops at Kuyasa Shopping Mall at Highway Taxi Rank. The man (driver) is still sitting inside the vehicle and no one is approaching him.

09:30 Team withdraws.
1. SUBJECT MKWALI’S BOYFRIEND
2. SUBJECT (LEFT) AND SUSPECT 1 (SUBJECT SUSTER).
3. CONTACT PERSON (DRIVER OF VEHICLE – DCZ 872 EC).
4. SUBJECT’S HOUSE.
LI-Col Andre Knoesen  
Section Commander  
Surveillance  
Crime Intelligence  
EASTERN CAPE


1. Your research request on the above mentioned topic refers.

2. Approval for your research study was granted by the Provincial Commissioner :Eastern Cape. (See letter reference number 3/34/2 dated 2010-08-15)

3. Further arrangements may proceed between yourself and the Station Commanders of East London, Cambridge and Mdantsane Police Station, for access to the thirty(30) detectives to be interviewed.

4. Please ensure that this office receive a copy of the final research report. The report will be treated as confidential.

With kind regards

MAJOR GENERAL  
HEAD: STRATEGIC MANAGEMENT  
GE MOORCROFT
THE USE OF PHYSICAL SURVEILLANCE IN FORENSIC INVESTIGATION

ABSTRACT

The problem that was identified is that physical surveillance is not generally used by general detectives in the South African Police Service as a technique during their investigations. According to the researcher’s experience, this can be due to lack of understanding or experience or may stem from ignorance. A lack of training on the use of physical surveillance as a method to obtain information for the investigation process was also identified as a problem. This study therefore investigated the role and use of physical surveillance within the forensic investigation process. The focus of the research was on basic static (stationary), foot and vehicle surveillance as these types of surveillance are usually conducted in conjunction with each other. An empirical research design was used to conduct the research. A qualitative research approach enabled the researcher to obtain first-hand information from interviews with general detectives. Information was also obtained from a thorough literature study and from the researcher’s own experience on the topic.

To conduct effective investigation, it is important for investigators to be familiar with the concept of physical surveillance, its elements, its influence and its values. A physical surveillance operation is a forensic tool used to gather evidence, to recover stolen property, and to identify and arrest the perpetrator. The use of physical surveillance during investigations serves the purpose of gathering evidence and information that can be used as intelligence. Successful forensic investigation requires skill and places extraordinary demands on detectives to utilise all available methods and techniques. The recognition of the use of physical surveillance as a method of evidence gathering is of outmost importance. The research has revealed that general detectives do not acknowledge the importance of physical surveillance as a method to obtain information for the investigation process. It is of vital importance that all detectives be properly trained with the necessary knowledge and skills to make use of this valuable investigative tool.