

**THE VALUE OF *MODUS OPERANDI* IN INVESTIGATING  
CHILD SUPPORT GRANT FRAUD**

**by**

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the degree of**

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## **DECLARATION**

Student number: 3204-042-3

I declare that this dissertation entitled “The value of *modus operandi* in investigating child support grant fraud”, submitted in partial fulfilment of the requirements for the degree of M-tech: Forensic Investigation at the University of South Africa represents my own work. All the sources used are acknowledged by means of complete citations and references. This dissertation has not been submitted before for any degree or examination at any other institution.



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**Godfrey Thenga**

**Signed at Pretoria, South Africa, on 11 November 2014**

## **ABSTRACT**

While establishing *modus operandi* information is an investigative technique that is used globally in the investigation of fraud, investigators of child support grant fraud in South Africa do not properly use this technique in their investigation.

The study sought to examine the *modus operandi* used by civil servants in unduly accessing child support grant fraud. The study adopted a qualitative approach, with structured interviews and literature as data-collection methods. Two sample groups were used to gather data. The data was analysed using spiral method.

The study found that *modus operandi* as a valuable investigation tool was not properly used and in other instances was never used in the investigations. On the basis of the findings, it is recommended that *modus operandi* captured on the police and corporate database systems be used as reference for comparing *modus operandi* of known grants fraudsters. Training and skills be provided to public and corporate investigators on the use of *modus operandi* information in the investigation of social grants.

To ensure that good practice is developed, a *modus operandi* guideline document should be crafted by the South African Police Services' detective division at National level and corporate investigators respectively, with a view to improve conviction rate.

## **KEY TERMS**

Child support grant, fraud, forensic investigation, Locard exchange principle, crime information analysis, *modus operandi*, evidence, offender profiling, identification, individualisation.

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## **DEDICATION**

This study is dedicated to my sister and my best friend I love so much, sister Olga. She advised that we should live a purposeful life here on earth. Above all with the given time, we must love GOD, then that love will automatically flow to people. She also taught me that everytime I interact with people I should leave them much improved than I had found them.

She believed, Heaven is real and that death to believers is their release from the imprisonment of this world, and their departure to the enjoyment of another world – Heaven.

Her Motto: To reject all that is likely to distract one's relationship with Jesus Christ.

A life worth living indeed!

I salute her faith for being the Martyr of the Kingdom of GOD.

“Those who are born from above long to be there” Senior Prophet TB Joshua

## **ABBREVIATIONS AND ACRONYMS**

CAS	Crime Administration System
CIAC	Crime Information Analysis Centre
CoJ	City of Johannesburg
CRI	Criminal Record Inquiry System
CSG	Child Support Grant
DHA	Department of Home Affairs
DSO	Directorate of Special Operations
GDOE	Gauteng Department of Basic Education
GEPF	Government Employees Pension Fund
PERSAL	South African Government Employees' Salary
PERSAP	South African Police Employees' System
SAPS	South African Police Services
SARS	South African Revenue Services
SASSA	South African Social Security Agency
SIU	Special Investigating Unit
SOCPEN	Social Grant Computer Registry System
UIF	Unemployment Insurance Fund

## CONFIRMATION OF LANGUAGE EDITING

I, Susan van Tonder, MA Linguistics, ID 6009160072083, hereby declare that I have edited the master's dissertation 'The value of *modus operandi* in investigating child support grant fraud' by Godfrey Thenga.



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**Susan van Tonder**

**05 November 2014**

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# CHAPTER ONE: GENERAL ORIENTATION

## 1.1 INTRODUCTION

Since the inception of democracy in South Africa, the levels of commercial crime have skyrocketed as a result of the sophisticated methods used by offenders and the inability of law enforcement to solve crime (Petrus, 2009:57; Ivkovic & Sauerman, 2012:15-16). This is corroborated by the South African Police Service (SAPS) (2008/9:21), which states that commercial crime has increased exponentially, from 4.8% in 2007/8 to 16.6% in 2008/9. Gauteng Province, as a high crime environment in the country, has seen high growth in the commercial crime rate (Faull, 2011:3-4) as shown in Table 1.

**Table 1: Commercial crime statistics for Gauteng (SAPS, 2011:1)**

Gauteng Province Commercial Crime Statistics			
1/4/2006 to 1/3/2007	1/4/2007 to 1/3/2008	1/4/2008 to 31/3/2009	1/4/2009 to 31/3/2010
<b>26 869</b>	<b>26 986</b>	<b>30 757</b>	<b>34 095</b>

The above statistics call for innovative and efficient ways of commercial crimes investigations. Investigators need to find innovative methods and techniques for investigating crimes such as fraud and corruption. Apart from the direct evidence they use, investigators also need to make use of indirect evidence to link crime perpetrators to reported crimes. The crime scene is always likely to provide clues, which investigators have to analyse or seek the assistance of experts to analyse so that they can determine who committed a crime, the type of instrument used to commit the crime, and the *modus operandi* employed during the commission of the crime

with the aim of identifying and individualising the crime perpetrator. This is true on the use of *modus operandi* as often, fraud is committed in secret and attempts are made to hide evidence from investigators. *Modus operandi* information can assist to reveal the characteristics of the perpetrator which the investigator can use in carrying out the investigation.

This study looks at the importance and value of utilising *modus operandi* in the investigation of Child Support Grant (CSG) fraud as one of the commercial crimes, in the City of Johannesburg (CoJ) regions A,B,C,D,E,F and G in Gauteng Province, South Africa. A geographic map of the above regions was attached as appendix D. Finally, the study concludes with a comprehensive report on the findings of the study and recommendations for implementation.

## **1.2 PROBLEM STATEMENT**

Fraud and corruption, as two major economic crimes, corrode peoples' moral values, hamper developing countries' economies and contribute to negative publicity for these countries' administrations (Transparency International, 2014:6-8; Kinnes & Newman, 2012:33; Bhardwaj, 2009:5; De Villiers, 2012:3; South Africa Public Service Commission, 2005b: 16-17). Furthermore, fraud and corruption are difficult to investigate and are not easily detectable because of their shadowy and secretive nature (Mcwalters & Carver, 2009:105; Ibraheem, Umar & Ajoke, 2013: 46-47; Special Investigating Unit, 2009:3). South Africa is no exception to incidences of fraud and corruption. If fraud and corruption are not drastically reduced, they have the potential to discourage investment as people who are willing to invest will not be certain that they will get their desired returns on investments. Again, those who have invested might even consider routing their assets elsewhere in the world (South Africa Department of Safety and Security, 2005a:25-27; Wilson & Snyman, 2011:21).

With regard to grant fraud, the former Minister of the Department of Social Development, Dr Zola Skweyiya, stated that the number of civil servants who were found defrauding the grant system for the period 01 April 2005 to 31 March 2009 totalled 44 000 nationally and of these 21 588 were found to be on the system irregularly by defrauding grants. This meant that they were found guilty in courts and had their grants cancelled (South African Social Security Agency (SASSA), 2009a:3; SASSA, 2009b:2-3; SASSA, 2008). The former Minister's statement was further supported by the South African Social Security Agency (SASSA) newsletter, which reported that the consequences of civil servants defrauding the CSGs (social assistance money paid by the government to primary care givers to support children) has resulted in high statistics of grant beneficiaries and the deficit in social grant-allocated budget.

From the researcher's experience, this problem is compounded by the country's social policy imperatives. In terms of Section 27 (1)(C) of the Constitution of South Africa Act 108 of 1996 (South Africa, 1996a) "everyone has the right to have access to social security. This is supported by Article 22 of the Universal Declaration of Human Rights (UDHR) and Article 9 and 10 of the International Covenant on Economic, Social Cultural Rights (ICESCR), which say every indigent person has the right to social security protection. This means that if the people are in social distress and are unable to support themselves and their dependents, they should be provided with appropriate social assistance". Another reason is that of simple and easy access to CSGs and a lack of coordination of the systems that SASSA uses. Before a periodic manual interface of the Government Employees' Computer Registry System (PERSAL) and Social Grant Computer Registry System (SOCPEN), SASSA could not isolate who was a civil servant on its system. As soon as the two systems were manually linked to share information about each other, extraction reports showed that many civil servants on the SOCPEN system, and even some of the

current personnel who had applied for jobs recently and were employed by the government, were still accessing grants, as new recruits were not immediately cross-checked along on the systems. According to Newham and Faull (2011:34), the situation is an issue of system compromise that has the potential to propel crime because there is no proper control and verification mechanism in place. Even currently, there is no automatic interface of the different government systems to conduct this verification.

The main problem investigated by this study is that investigators responsible for the investigation of CSG fraud do not use *modus operandi* information effectively when investigating cases of this nature. Particularly, in preliminary research conducted as part of this study, it became clear that SAPS Johannesburg Commercial Crimes Unit investigators were not effectively utilising *modus operandi* information to investigate and improve the prison-term conviction rate on CSG fraud. Preliminary research revealed that investigators lack proper training on the use and value of *modus operandi* information in CSG fraud investigation (Burger, 2014:1; Altbeker, 2003:54). To add to this problem, the SAPS has lost skilled members in the investigation units due to staff attrition (SAPS, 2009/10:218; Mofokeng, 2012:71).

The researcher established that in the 2008/09 government financial year, there was 122 case dockets of CSG fraud involving civil servants in the CoJ regions and by the end of the financial year only 80 of the cases had been resolved with a conviction of a fine. None of those convicted had a conviction of a prison term, while the remaining cases had been withdrawn from court mainly due to a lack of information or evidence (SASSA, 2010b:13). The researcher perused 122 CSG fraud case dockets involving civil servants investigated by the Johannesburg Specialised Commercial Crimes Unit for the period 1 October 2008 to 31 September 2009, in regions

A,B,C,D,E,F and G that make up CoJ in Gauteng Province. The researcher discovered that in all of these cases *modus operandi* information was not captured on the physical case dockets and on the Crime Administration System (CAS). This is contrary to the suggestion of Marais (2003:8), who insists that all information gathered during forensic investigation should be filed in the case docket for future use. The information collected during investigation of a case could lead to a possible identification of a suspect or possible suspects.

The consequence of failure by investigators to use *modus operandi* information effectively is that suspects cannot be identified, linked and interlinked as similar method of operation information is not used. The crimes that are committed in other SASSA offices in the country are likely not to be linked as *modus operandi* information does not exist. This consequently results in suspects committing further crimes repeatedly without being noticed and or traced (Update, 2010:7). In some of the cases, the investigation budget was misspent and cases took a long time to be finalised (Burger, 2011:18). If cases were finalised in time, there would probably be an improved conviction rate or cases would not be withdrawn from court because of incomplete evidence. Update (2010) indicates that SASSA lost an estimated R1.5 billion annually by paying out grant money to people who did not qualify and this caused it to receive a qualified audit report in 2009/10 financial year. If *modus operandi* information is properly utilised, the above-mentioned negative results are likely to be reversed and SASSA would probably experience positive spin offs in the fight against CSG fraud.

### **1.3 RESEARCH AIMS**

Birks (2014:221) describes the aim of empirical research as collecting new data and determining if there are interesting trends or patterns in

the collected data that will help to establish the facts. This research was aimed at evaluating the value of *modus operandi* information in the investigation of CSG fraud in South Africa.

#### **1.4 RESEARCH PURPOSES**

A research purpose is the reason why the researcher conducts the research (Creswell, 2009:111-112). The purposes of this research were as follows:

- The researcher intended to evaluate the existing manner in which investigators use *modus operandi* in their investigations, with the intention of determining its strengths and weaknesses and of considering how it can be improved.
- The researcher intended to explore how investigators use *modus operandi* as a source of information in their investigation. To accomplish this, the researcher studied national and international literature with the intention of exploring the field.
- The researcher intended to apply new research knowledge to develop good practice in the field, by recommending new guidelines and procedures to enhance performance and to improve the investigation of CSG cases.

Emanating from these research purposes, the following objectives were set for this research:

- To examine the *modus operandi* used by civil servants in unduly accessing CSG. Method of operation used by crime perpetrators during commission of this crime will be revealed.
- To establish the value of existing *modus operandi* information in investigating cases of CSG fraud.



## **1.5 RESEARCH QUESTIONS**

According to Creswell (2014:139) and Silverman (2013:66), research questions specify beforehand what the researcher is investigating when conducting research. The research questions provide guidance on the data that should be collected based on the questions asked and propose how the researcher should analyse and interpret the data received from the participants and other sources. This research sought to answer the following questions:

- What is *modus operandi* in relation to investigation of CSG fraud?
- What is the value of *modus operandi* in investigation of CSG fraud?

## **1.6 KEY THEORETICAL CONCEPTS**

Babbie and Mouton (2012:111) state that prior to conducting research, the operational concepts that are contained in the problem statement must be defined. This will assist the evaluator to determine whether the researcher has carried out what was proposed in the problem statement. The definitions must give meaning to the concepts as they are used in relation to the research project. The key theoretical concepts used in this study are defined below.

### **1.6.1 Forensic investigation**

Forensic investigation is defined as the practice aimed at instituting judicial proceedings that are associated with courts of law (criminal or civil) and other quasi-judicial processes. It involves the application of science in investigation to answer questions emanating from unresolved crime or litigation. Forensic investigation is further associated with the investigation of computer-related crimes, fraud, corruption, embezzlement of funds, money laundering and other white

collar crimes (Bertino, 2012:9; Van Rooyen, 2004:07; Bennett & Hess, 2007:25).

### **1.6.2 Child Support Grant**

The Child Support Grant (CSG) is social assistance grant money paid to the primary care giver of a child to provide for the child's basic needs (South Africa. Department of Social Development, 2004a:1; Patel, 2013:115; Delany, Ishmail, Graham & Ramkisson, 2008:6). Child support grant is defined as social protection grant paid to the poor, vulnerable and risk exposed people in order to alleviate extreme poverty and deprivation (UNICEF, 2008:8; UNRISD, 2010).

### **1.6.3 *Modus operandi***

*Modus operandi* is a latin term that means method of operation or method of doing things. It refers to the manner in which crime has been committed (Turvey, 2002:229). A criminal's *modus operandi* is comprised by choices and behaviours that are intended to assist in the completion of a crime. The offenders' *modus operandi* reflects how they commit their crime. It is separate from the offender's motives or signature aspects as these have to do with why an offender commits their crime. According to Canter and Youngs (2009:94) *modus operandi* is best thought of as a pattern of behaviour that is more specific than the general style of an offence that is displayed in the commission of crime.

The concept of *modus operandi* was discussed in details in chapter 2.

#### **1.6.4 Fraud**

Snyman (2010:158) defines fraud as an unlawful and intentional making of a misrepresentation which causes actual or potential prejudice and which is prejudicial to another.

#### **1.6.5 Evidence**

Gilbert (2010:52) defines evidence as a personal account of witnesses and information or facts that are used to imply a reasonable conclusion. It could either be direct or indirect depending on its source. Evidence is any relevant exhibits, verbal or written testimony which is produced during quasi-judicial or court proceedings.

#### **1.6.6 Civil servant**

A civil servant is any employee who is employed by a government department or an agency of government (South Africa. Department of Public Service, 1994:1; United Nations, 2001:2; Denhardt & Denhardt, 2011:134; Massey, 2011:3-4).

### **1.7 VALUE OF THE RESEARCH**

On the basis of the recommendations of this research being implemented, more effective prevention and investigations of fraud of this grant type would result. This would serve as a deterrent for civil servants to access CSGs illegally. This would also be a result of the fact that the *modus operandi* of these crime perpetrators would be known and the investigators involved in these cases would be empowered. If this study could contribute to combating this type of crime by empowering those involved in investigation, the image of the SAPS and SASSA would be promoted (South Africa. Department

of Safety and Security, 1998a: Section 1). It was also envisaged that the following parts of the society would also benefit from this research:

- Society at large
  - National and international researchers
  - The investigation fraternity
  - The Special Investigating Unit (SIU)
  - SASSA internal investigators
  - The SAPS
  - University students and academics

## **1.8 PRELIMINARY LITERATURE STUDY**

According to Jesson, Matheson and Lacey (2011:9-10), searching the literature to find out what others have found in response to the research questions or what steps they have taken to solve the research problems yields substantial improvements in research. According to Rubin and Babbie (2011:143), the collection of information from literature sources is a valuable technique for defining the variables and concepts used in research and allows for content analysis to be conducted (see also Leedy & Ormrod, 2010:144-145).

A preliminary literature study relating to CSG fraud was undertaken. The researcher examined national and international sources which have shed some light on how *modus operandi* has been instrumental in investigating various offences, including fraud. The researcher used the following search engines to solicit literature pertinent to the topic under research: Nexus, Encyclopaedia and Google databases. It became apparent that to date there has not been work researched on the same topic as the current research.

The researcher collected literature from sources that dealt generally with fraud and corruption as well as social grants. An intensive search was conducted for literature pertaining to the research topic, which was broken into sub-topics. The internet was used in researching sub-topics and relevant materials were sought at various libraries. Various criminology, crime investigation and criminal law books, case law, articles, newspapers, monographs and research dissertations were consulted to broaden the researcher's knowledge of forensic investigation, fraud, misrepresentation and *modus operandi*.

The researcher consulted various sources regarding the importance of *modus operandi* in forensic investigation. According to Zinn (2010:137) *modus operandi* relates to the crime perpetrator's behaviour at the crime scene. The crime perpetrator's behaviour is consistently monitored or studied by the investigators to shed light on the crime. This behaviour is crucial in assisting the investigator to trace the crime perpetrator. It also increases the potential of perpetrator individualisation through the continuous process of identification. In complementing the above, Hagan (2013:1-3) and Canter and Youngs (2009:94) submit that *modus operandi* involves a pattern of behaviour that is more specific than the general style of crime. According to Osterburg and Ward (2010:148-149), this behaviour information, in the form of instruments used in committing crime, type of target and all the activities at the crime scene, is pivotal to the investigator to use in linking the crime perpetrator to the crime.

A *modus operandi* can include attributes such as type of crime, time and day. If the methods of known criminals can be classified so that the *modus operandi* disclosed in a new crime can be compared with the methods disclosed in previous crimes, it may be possible to establish the identity of the person who committed the crime (Osterburg & Ward, 2010:147-148).

In echoing the above authors, Johnson (2010:147) submits that fraud perpetrators are linked to the crime by using *modus operandi* as a similar mode of committing crime is noted.

## **1.9 RESEARCH DESIGN AND APPROACH**

A research design is a plan of how one intends to conduct research. According to Creswell (2009:3) and Franklin (2012:54-57), a research design provides an overall structure for the research procedures, the collection and the analysis of data. According to Mouton (2013:148), empirical design reveals factual discoveries or confirms existing phenomena. In this research, the researcher chose to conduct the research based on an empirical design. Empirical design is relevant in this research since there is little information in the literature consulted that could answer the research questions. The researcher interviewed experienced CSG fraud investigators and thereby gathered information from practitioners in the field of investigation. The empirical design included face-to-face, one-on-one interviews with civil servants from Gauteng Department of Basic Education (GDOE) in CoJ regions and investigators from the SAPS Johannesburg Specialised Commercial Crimes Unit. This investigation unit is responsible for investigating CSG fraud cases in the CoJ regions.

The researcher applied a qualitative approach to this research. According to Miles, Huberman and Saldana (2014:11), qualitative research brings about a socially constructed nature of reality and intimacy between the researcher and what is studied. This type of approach takes into consideration the situational constraints that shape the inquiry. This research is composed of fieldwork, where the

researcher interacted with the participants, but did not do participative observation.

### **1.10 TARGET POPULATION AND SAMPLING**

According to Babbie (2007:190), the target population is the population to which the researcher generalises the research results. The researcher decided to base this research in the CoJ regions, in Gauteng Province, as it would be impractical to focus the research on the whole of South Africa because of financial and time constraints. The target population as far as civil servants are concerned consists specifically of government employees based in the CoJ regions, GDOE who were sentenced in the Johannesburg Specialised Commercial Crimes Court for illegally receiving government CSGs. The sentenced civil servants have paid their debt to SASSA. According to SASSA (2009a:10), the sentenced offenders for CSG fraud from the regions falling under the CoJ, and GDOE number 122 for the period 01 October 2008 to 31 September 2009. The researcher found, during the preliminary screening of the 122 cases of offenders, that 80 of them had received suspended sentences and were still employed by the GDOE and working in the CoJ regions. The remaining 42 have since left the employment of the GDOE and their whereabouts were unknown. The researcher limited, for practical reason of locating the participants, the target population to 80 employees who were still working at the GDOE in the CoJ regions.

The researcher used the simple random sampling method, which is a type of probability sampling, in selecting 10 of these civil servants to be interviewed. Probability sampling could determine the probability that any element or member of the population would be included in the sample. It enabled the researcher to indicate the probability of the population being represented in the study, irrespective of sex, race,

age, and region of the sample results deviating to different degrees from the corresponding population values (Fink, 2010:91-92). With simple random sampling, each member of the population has the same chance of being included in the sample and each sample of a particular size has the same probability of being chosen. The researcher wrote the 80 case numbers on paper, which he cut into pieces, each with a separate case number, and threw them into a hat. These pieces of paper were mixed and a total of 10 pieces were drawn blindly, which were then used to identify the participants.

A further group of participants, namely SAPS Johannesburg Specialised Commercial Crimes Unit investigators, were interviewed. These participants were carefully identified through purposive sampling based on the researcher's experience, skill and knowledge of investigation of CSG fraud in which civil servants of the GDOE were involved (Kumar, 2014:244; De Vos, Strydom, Fouche & Delport, 2005:334-335). This personal knowledge of investigators who investigate this type of fraud was based on the researcher's experience of facilitating SASSA cases under investigation in the regions of the CoJ. The researcher also helped these investigators in gathering evidence for prosecution of civil servants who defrauded the social grants system in the CoJ's regions. Purposive sampling is a type of non-probability sampling method used for reasons of convenience and economy.

Non-probability samples cannot specify the probability that elements or members of the population will be included in the sample (Kumar, 2014:242-243). Researchers rely on their experience, ingenuity and previous research findings to obtain units of analysis in such a manner that the samples they obtained may be regarded as being representative of the relevant population (Kumar, 2014:244; Welman & Kruger, 1999:41-63).



It was established by the researcher during the normal run of his duties that there were in total only 10 investigators who investigate social grant fraud at the SAPS Johannesburg Specialised Commercial Crime Unit and all 10 were chosen for interviewing as this comprised a manageable group. It was furthermore discovered by the researcher that all of the social grant fraud cases that were reported at the various police stations in the regions of the CoJ had been forwarded to and investigated by the SAPS Johannesburg Specialised Commercial Crimes Unit. The researcher personally requested their participation in this research after a letter of permission to conduct research was obtained from the SAPS head office.

## **1.11 DATA COLLECTION**

The researcher relied on interviews as the primary means of data gathering, and employed other data-collection techniques such as a literature study to ensure greater confidence in the validity of the findings (Creswell, 2014:185-186; Hagan, 1997:394). It is accepted that utilising more than one data-collection method will ensure that problems associated with one strategy may be compensated for by the strengths of another (Leedy & Ormrod, 2005:99).

### **1.11.1 Literature study**

The researcher consulted both national and international sources of data with the aim of investigating theory related to the research topic and providing answers to the research questions. To enhance validity, the researcher coupled the literature review with other data-collection methods, which are discussed later. This also ensured triangulation of the data occurred, as described by Flick (2011:186-188) and Leedy and Ormrod (2005:99). According to Leedy and Ormrod (2005:105), triangulation involves the use of a variety of methods and techniques for data collection in a single study. These multiple sources of data

are collected to enable comparison of information with the intention that they converge to answer a specific research question.

### **1.11.2 Interviews**

The researcher used the structured interview technique in collecting data from investigators and civil servants. The interviews consisted of structured questions, as described by Miller and Whitehead (1996:181-183) and Kumar (2014:178). Structured interviews are one-on-one and face-to-face interviews, where the interviewer asks standard pre-designated questions, which enable the responses of different individuals to be compared (Babbie & Mouton, 2012:251-254).

The researcher asked each group (sub-population) different questions and wrote down their responses, which the researcher analysed. The researcher compiled an interview schedule with short, concise and clear questions, as guided by Flick (2011:107-11). The interview schedules for the investigator and civil servant interviews are attached as Annexures A and B respectively. The use of audio recording for note taking was carried out with the prior consent of the individual participants from both groups of participants. Care was taken to ensure that these recordings were kept confidential and they were destroyed after analysis, as supported by Creswell (2014:192).

As mentioned above, the researcher used separate interview schedules for Commercial Crime Investigators and civil servants. The interview schedule for the investigators contained questions relating to forensic investigation, *modus operandi* and the behaviour of crime perpetrators in the commission of crime. The interview schedule for civil servants concentrated on the perpetration of CSG fraud.

## 1.12 DATA ANALYSIS

According to Mills and Birks (2014:43) and Miles et al. (2014:10), data analysis is defined as a process of resolving a complicated problem by means of fragmenting data into smaller manageable segments for analysis. Mouton (2013:108) argues that the main purpose of data analysis is to understand the various elements of data collected to see whether there are patterns or trends that can be identified, or to establish themes in the data.

In this study, the researcher applied the spiral method of data analysis as described by Creswell (2014:197-199). The steps outlined below were followed:

- Organisation of details about the case: The researcher organised data, which he obtained from interviews and a review of the literature on the topic. The researcher broke down large bodies of text into smaller units in the form of sentences and individual words. The researcher worked through all the data to decide which was more relevant for this study.
- Data perusal: The researcher perused the entire body of data to get a sense of what it contained as a whole. In the process, he established possible categories. The researcher also critically evaluated the entire data body, to establish relevancy.
- Data classification: The researcher identified general themes and sub-themes and then classified each piece of data accordingly. This allowed the researcher to get a general sense of patterns, trends and correlations.
- Synthesis and generalisation: The researcher integrated and summarised the data. This step included offering hypotheses that described relationships among the themes. The researcher broke down specific data into themes, in order to answer the research questions.

### **1.13 VALIDITY**

There are two types of validity: internal and external. The former refers to the extent to which the research design and information yielded allow the researcher to draw accurate conclusions about cause and effect and other relationships within the data, and that no internal factors affect the results. The latter applies to factors that could affect the results that need to be generalised to the external community (Hagan, 1997:68-69).

The above were taken into consideration in this study to ensure validity. The views of Leedy and Ormrod (2010:28) were observed with the intention of establishing whether the instruments used to collect the data were administered in a consistent manner and that the methods used were accurate, honest and on target. The interviews and literature review, which were used to measure the study measured what they were supposed to measure as only questions relevant to research questions and topic were asked.

In this research, the researcher applied strict attention to validity, which means that the instruments adequately reflected the concept that was being studied and the results of the interviews correlated with the literature study as a related measure (Babbie & Mouton, 2012:122-123).

The participants in this study were investigators and civil servants. The investigators had investigated fraud and corruption cases before. The researcher did not make use of field workers but conducted all the interviews personally. Internal validity was achieved by ensuring that any other possible explanations for these results were eliminated to maintain the integrity of the conclusions reached (Creswell, 2014:227). The researcher did not draw early conclusions or use his own conclusions and was not influenced by his surroundings.

According to Fink (2010:95), one of the factors that threaten the validity of the results is basing conclusions on a small number of participants. In this study, a reasonable sample of participants was drawn, which comprised 10 civil servants and 10 SAPS Johannesburg Specialised Commercial Crimes Unit investigators. The data obtained from the civil servants could only be generalised to a population of 80 civil servants, who were still employed and were involved in the cases investigated and had been prosecuted between 1 October 2008 to 31 September 2009. The time span of 1 October 2008 to 31 September 2009 also did not represent a broad spectrum of cases or cases over a lengthy period. The results were only generalised for the regions falling under the CoJ as other municipalities could not be included in the study.

Leedy and Ormrod (2010:99-100) advise that for the researcher to have confidence in the conclusions, the conclusions have to be well founded and meet certain validity requirements. The researcher observed these guidelines throughout this research.

#### **1.14 RELIABILITY**

The accuracy and reliability of data received were enhanced by conducting interviews on the topic and with reference to questions in the interview schedules. The interview room was private, quiet and free from mental distractions so as to promote good communication. The researcher focused on the consistency with which the interview as a measuring instrument yielded a certain result and the methods were standardised from one person to the next (Rubin & Babbie, 2011:194-195). The other manner in which reliability was ensured was that the researcher followed the research methodology presented earlier in this chapter. It was anticipated that if the same study was undertaken in the future, the results were likely to be the same at different times.

The researcher ensured that the information was collected only from the participants who were sampled. In addition to that, any information that came from other collection methods was not considered as it would defeat the object of this research. In the final analysis, the researcher used both inductive and the deductive reasoning throughout the study. Inductive reasoning is when a logical conclusion is reached through reasoning, inference or experimental evidence and deductive reasoning is when a specific conclusion follows from a set of general premises (Leedy & Ormrod 2010:32-33).

### **1.15 ETHICAL CONSIDERATIONS**

Ethical research principles must be observed at all times when conducting research. The researcher endeavoured not to allow irregularly obtained data in this study. The study adhered to the Code of Ethics for Research at the University of South Africa (Unisa, 2013:3-17). In accordance with the Unisa Policy on Research Ethics, the researcher observed:

- Anonymity and confidentiality of participants;
- Privacy and confidentiality of collected data;
- Correct referencing methods;
- Fair analysis and reporting of information; and
- Use of good academic language, free of vulgar insinuations or explicit language, as described by Leedy and Ormrod (2010:101-103).

The researcher obtained informed consent of all the participants to include them in the study, as endorsed by Denzin and Lincoln (2011:65-66). He also refrained from deceiving the participants. In this study, the employees who were chosen as a sample of participants understood the nature of the research and understood the objectives of this study prior to agreeing to be interviewed.

According to Leedy and Ormrod (2010:103-104), the researcher must report their findings honestly and provide full acknowledgement of the sources consulted. This, the researcher endeavoured to do.

## **1.16 RESEARCH STRUCTURE**

This research report is divided into four chapters:

- Chapter 1: This chapter describes the problem addressed in the study and details the study aims, purpose and research questions along with the methodology used in conducting the research.
- Chapter 2: Chapter 2 defines *modus operandi* in relation to investigation of CSG fraud. This chapter reveals the development of *modus operandi*, identifies commonly used *modus operandi* in CSG fraud and examines the manifestation of CSG fraud. It also looks at the investigative powers granted for investigating CSG fraud in South Africa and at how this type of crime should be investigated. The chapter concludes by exploring the role of various investigative aids and resources that can be utilised in the investigation of CSG fraud.
- Chapter 3: This chapter deals with the value of *modus operandi* in the investigation of CSG fraud and the admissibility requirements of *modus operandi* information in CSG fraud. The chapter also looks into the outcomes of *modus operandi* in investigating incidents of CSG fraud.
- Chapter 4: This chapter presents the findings and recommendations of the study. The findings are summarised and corresponding recommendations are made in conclusion of the research report.

## **1.17 SUMMARY**

This chapter argues that the level of commercial crimes has increased with the increase in innovative methods of committing fraud employed by fraudsters. This is evident in the high numbers of CSG fraud cases in Gauteng Province, where even civil servants employed as custodians of the grants have been implicated. This problem calls for investigators to employ innovative investigative methods such as gathering of *modus operandi* information to fight this scourge. In this chapter, the research design and methodology used for this research were spelt out.



## **CHAPTER TWO: *MODUS OPERANDI* IN RELATION TO THE INVESTIGATION OF CHILD SUPPORT GRANT FRAUD**

### **2.1 INTRODUCTION**

Child support grant fraudsters make use of a specific *modus operandi* and a discernible pattern of falsifying documents when they commit fraud. They make use of the above means to dupe their victims into parting with their assets. Offenders receive financial gains from their conduct; hence, fraud is referred to as a “predatory crime”.

Fortunately, the various trails and tracks that are left on the disputed documents such as CSG application files often lead to the tracing of offenders. The majority of fraudsters cannot hide everything from the investigators. This is consistent with Locard’s exchange principle, which states that every contact between crime scene and perpetrator will leave trace evidence as a result of substances or people mingling with each other. However, in the absence of trace evidence, *modus operandi* plays a pivotal role in directing the investigation and in identifying the correct crime perpetrator.

This chapter focuses on explanations and description of the manifestation of CSG fraud, the development of *modus operandi*, *modus operandi* commonly used in CSG fraud, CSG fraud investigation and crime information analysis.

### **2.2 THE MEANING OF *MODUS OPERANDI***

*Modus operandi* is a Latin term that means method of operation. The identification of the *modus operandi* of the crime perpetrator is a

technique that is used by investigators in attempting to solve crime. It is normally associated with the crime perpetrator's behaviour, which is reflected in the crime scene (Westphal, 2009:213). *Modus operandi* is often informed by the consistencies in the offender's actions and the state in which the crime scene is left in each case. In CSG fraud, this may include the manner in which the application forms are filled in and how the grants are processed and received by the applicants.

Only Sample A participants were asked to provide the meaning of *modus operandi* in CSG fraud investigation. Sample B participants could not be expected to know as they are not investigators. The following responses were recorded:

- Three participants said it is how a crime is committed;
- Three participants said it is the trademark method of committing crime;
- Two participants mentioned that it involves the experience and skill of the crime perpetrator which are employed in the commission of crime; and
- Two participants said it concerns the planning of the crime.

The responses of 10 participants are not completely different, despite the fact that their responses were not entirely similar. The participants stated that *modus operandi* denotes the method of operation in the commission of crime, a particular way a perpetrator commits a crime, the description of the perpetrator's trademarks in the commission of crime, and the use of experience and skills in the commission of crime. These responses provide a broad description of the meaning of *modus operandi* as a method of operation in the commission of crime.

According to Kocsis (2007:120), *modus operandi* means the study of crime perpetrators' operational procedures that are displayed in their behaviours which are necessary for them to commit the crime and are different from ritual behaviours that show fantasy in character. This implies that *modus operandi* is a distinct pattern of behaviour that is more specific than the general pattern of behaviour or a style of an offence (Canter & Youngs, 2009:94; Savino & Turvey, 2011:408). Westphal (2009:213) refers to an offender's *modus operandi* as their activities and routine mode of conduct that they employ to assist in the successful completion of a crime.

Looking at the information obtained from both participants and literature, there are no glaring discords between what the meaning of *modus operandi* in general criminal investigation is and the meaning of *modus operandi* in CSG fraud. The two sources of information referred to the same concept, being the meaning of *modus operandi* in investigation of crime. This means that the meaning of *modus operandi* in investigation is human behaviours that are necessary for the perpetrator to commit a particular crime. These behaviours are signified by CSG fraud perpetrators, who fraudulently apply for CSGs by making use of stolen utility bill statements. The fact that investigators comprehend what *modus operandi* means can mean that the *modus operandi* information can be used in the investigation of CSG fraud which will ultimately have positive spin-offs in solving CSG fraud.

### **2.3 DEVELOPMENT OF *MODUS OPERANDI***

According to Turvey (2008:130), *modus operandi* as a technique in forensic investigation develops as a result of the unique perpetrator behavioural elements. These behavioural elements are developed in the crime scene, which the investigator needs to scrutinise to trace the perpetrators of the crime. In CSG fraud, the investigators solve

cases by making use of crime scene inputs such as bank accounts and contact numbers which the perpetrators unintentionally leave behind at the crime scene after committing the crime.

Only Sample A participants were asked how *modus operandi* develops. Sample B participants were not asked for this information as they are not investigators. Sample A participants responded as follows:

- Two participants said the perpetrators leave leads in the crime scenes during the commission of crime;
- Three participants said the perpetrators conceal their fingerprints by deliberately applying chemicals on their finger ridges to distort their identity and render identification impossible;
- Two participants said handwriting leads are left in the documents that were left by the perpetrators;
- One participant said a pattern of similar information that they provide is studied to reveal the perpetrators; and
- Two participants said the inconsistencies of proof of residence documents provided by grant applicants assist in tracing the perpetrators.

The outcomes of the 10 participants' feedback are complementary as the sense that was created is that *modus operandi* develops as a result of leads. Their responses can be summarised as saying *modus operandi* information in CSG fraud develops by leads left by perpetrators at the crime scene, pattern of similar information and inconsistencies of proof of residence documents provided by perpetrators.

According to Hazelwood and Warren (2012:307), *modus operandi* develops as a result of the unique perpetrator's behavioural traits that are utilised by investigators to assist in associating the perpetrators

with the crime. On the same point, Canter and Youngs (2009:150) assert that the traits could be distinct trademarks that the perpetrator is known by. Albrecht, Albrecht, Albrecht and Zimbelman (2012:183), in highlighting the trademarks in crime, claim that the perpetrators make use of documents and statements to perpetrate fraud. This, in turn, assists the investigator to focus the investigation on the unexplained changes to the documents and statements, which then become the perpetrators' *modus operandi*, traits or unique signs (SASSA, 2010b:13).

The researcher identified a synergy between the participants' views and the literature on how *modus operandi* in general crimes develops and how it develops in CSG fraud. There is no difference in the way *modus operandi* develops in any criminal act. This therefore means that the development of *modus operandi* in CSG fraud is identified by leads in the crime scene, such as the perpetrator's behavioural traits and handwriting evidence on the grant application documents.

### **2.3.1 The role of *Modus Operandi* in investigation of Child Support Grant fraud**

According to Snoek, Cullen, Bennell, Taylor and Gendreau (2008:1271), *modus operandi* has the potential to assist investigators with information that will lead to the tracing of the perpetrator. The information may also reveal the perpetrator's motive in committing crime. In CSG fraud, *modus operandi* plays a role in helping the investigator to follow the perpetrator's individualised practices such as traits and habits which are scrutinised from the clues that are found at the crime scene.

Only Sample A participants were asked about the role of *modus operandi* in CSG fraud investigation. Sample B participants were not asked because they are not investigators. Sample A participants responded as follows:

- Three participants said *modus operandi* assists in speeding up the tracing of CSG fraud perpetrators;
- Three participants said *modus operandi* can assist investigators in finding the accused guilty in court;
- Two participants said they never used it; and
- Two participants said it is time wasting as crime perpetrators still have to be traced and convicted by using scientific evidence in court.

The responses of six participants valued the use of *modus operandi* information in CSG fraud investigation by saying that it fast tracks investigation and assists the court to convict the perpetrator. Two participants had not used it before. Two other participants seemed not to approve of its use as they contended that evidence still needed to be gathered to support *modus operandi* information for court purposes. However, the literature consulted for this study shows how *modus operandi* can benefit the investigation process in CSG fraud and that its value should not be underestimated.

Investigation of crime is aided by comprehending how perpetrators operate during and after the commission of crime (Canter & Youngs, 2009:20). Berg and Shearing (2011:25) argue that *modus operandi* is useful as the crime perpetrators' trademarks can be analysed to connect them to the scene (such as CSG fraudsters who use false information in affidavits and hand in falsified documents when they apply for CSGs). To the investigating officer, *modus operandi* that was identified in unsolved cases can play a significant role in providing an array of information about the perpetrators in terms of

giving an indication of whom to look for in their cases. Through the use of *modus operandi*, the investigator can establish linkages or exclusions and confirm or disprove statements of victims, perpetrators or witnesses (Birzer & Robertson, 2012:102-103). The use of *modus operandi* can also assist when the prosecutor introduces evidence of crimes that were committed by the crime perpetrator that are similar to the crimes they are charged with. The prosecutor can introduce that evidence when the other crimes share peculiar and distinctive features with the charge before the court. This can assist in dispensing with a case speedily as circumstantial evidence can be utilised to convict the accused in court (SAPS, 2011:13).

The researcher compared the views expressed by the participants with opinions found in the literature and noticed a synergy between *modus operandi* in CSG fraud investigation and *modus operandi* in general investigation of crime. *Modus operandi* in CSG fraud investigation and *modus operandi* in general investigation are identical concepts and serve the same purpose in crime investigation. However, the analysis of both the participants and the literature leads to the preliminary conclusion that the role of *modus operandi* in CSG fraud investigation is to assist in fast tracking the investigation, tracing the perpetrators and providing indirect evidence in court.

In CSG fraud, the investigators have to study the characteristics that perpetrators display at the crime scene. This is undertaken to discern their method of operation, which will assist in planning the investigation and influencing policy decision on social grant management. An example of a type of *modus operandi* for a CSG fraudster might be to copy the signatures of legitimate owners and thereafter steal their ID copies or their municipality account statements and use them to apply for CSGs. *Modus operandi* information can also be used to identify the CSG fraud perpetrators and to assist in formulating strategies to combat future CSG fraud.

### 2.3.2 The elements of *modus operandi*

The elements of *modus operandi* are determined by the choices that the perpetrator needs to weigh up before committing crime. The perpetrator has to make choices about whether to commit crime based on the opportunity, reward and the risks of being caught (Simpson, 2009:179). In the commission of CSG fraud, the perpetrator will normally assess the situational factors and, if the risks of being caught are high, that may affect their decision to commit crimes and how they choose to commit them.

Only Sample A participants were asked to identify the elements of *modus operandi* in CSG fraud. The question was not posed to Sample B participants because they are not investigators and would not be expected to know. Sample A participants responded as follows:

- Three participants did not answer;
- Two participants said it is a type of target;
- Three participants said it is a method of committing a crime;
- One participant said it is the time of the day; and
- One participant said it is the day of the week and weather conditions.

Although the elements of *modus operandi* were mentioned individually by different participants, it is deduced from the participants' responses that these elements include the type of target, the method, the time and the day of the week. This accumulative deduction could still be made, although three participants did not respond to this question. It can be interpreted that the participants lacked knowledge on this matter or they might have decided not to respond to this question.



According to Turvey (2002:231-232) and Prinsloo (2012:70), the elements of *modus operandi* consist of an offender's behaviours and attitudes that can influence them to commit crime. This can be elements such as location, type of target or the use of a particular instrument to commit crime such as the use of documents in the commission of CSG fraud (Canter & Youngs, 2009:20; Douglas & Olshaker, 2000:242). In line with the above authors, Savino and Turvey (2011:408) state that *modus operandi* elements are chosen with the intention of satisfying any one or more of the following objectives:

- Concealing of the crime perpetrator's identity
- Destruction of leads
- Successful completion of crime and effecting escape

All data sources that were used in this research include the same elements of *modus operandi*. Although the focus areas of crime may seem different, the elements of *modus operandi* in crime investigation do not distinctly vary. In the context of this research and after analysis of the literature and the participants' responses, the researcher established the elements of *modus operandi* applicable to CSG fraud as:

- Age group of the crime perpetrators;
- Type of targets;
- Number of crime perpetrators;
- Pre-crime commission surveillance of crime scene;
- Location and date of crime;
- Methods of committing crime;
- Items taken from the crime scene;
- Instruments to be used in the commission of crime;
- Motive for the crime; and
- Type of transport used to and from the crime scene.

The purpose of understanding and identifying the elements of *modus operandi* is that SASSA can put in place preventative measures for preventing CSG fraud.

### **2.3.3 Factors influencing *modus operandi***

The factors that influence *modus operandi* are referred to as “crime-pulling factors” that encourage the perpetrators to go on committing crime and behaving in the manner they do. These factors can be better described as “criminal conduct motivating factors”. In CSG fraud, the perpetrator may use birth certificates of non-existent children as their *modus operandi* as it is common knowledge that the children are not physically verified for correctness and authenticity when applying for grants.

Similar to the previous sub-topic, only Sample A participants were asked about the factors that are likely to influence the *modus operandi* of CSG fraud perpetrators. Sample B participants were not asked as they are not investigators. Sample A participants responded as follows:

- Three participants stated property that is stolen as an important factor;
- One participant said the criminal background of the criminals is vital because serial criminals will notice that they have been successful in committing crimes;
- Two participants said it is the opportunity to commit crime;
- Two participants said it is time and place;
- One participant mentioned the criminal’s knowledge and confidence; and
- One participant said information gained from literature and media is an important factor that influences *modus operandi*.

The outcomes of the 10 participants' feedback are not completely different. Their individual opinions regarded factors influencing *modus operandi* as property stolen, criminal background, opportunity to commit crime, time and place, criminal's knowledge and confidence, and information gained from literature and media. The information derived from the participants relates to factors that influence *modus operandi* pertaining to CSG fraud. The general sense that was created is that these factors can be used by investigators to prevent CSG fraud.

According to Turvey (2002:32), *modus operandi* behaviour is influenced by factors such as time, location, type of asset stolen, an instrument to be used and the situation in which perpetrators find themselves. The other factors are knowledge, experience, rationalisation and peculiarity of the crime, which can assist in predicting the crime perpetrator and an opportunity to commit crime (Bennett & Hess, 2007:387). According to the catharsis theory on crime, literature as another factor that influences *modus operandi* provides the perpetrators with information on how crimes are committed and also highlights the loopholes in the investigation processes (Surette, 2011:14). Fagan (2011:83) refers specifically to the precipitation theory, which avers that an exposure to literature coverage that reveals how crimes are investigated by the police and how detection should be dodged often produces greater propensities to further crimes by the perpetrators.

Siegel, Saukko and Houck (2013:152) assert that another factor that influences *modus operandi* is the media. These authors believe that the "media is likely to furnish the perpetrators with an insight into the need for future precautionary acts". This may as well provide them with adequate information to copy a particular crime scene and deflect the investigation. Gibson (2006:13) further adds that this tends to elevate the status of the criminals who have wronged law-

abiding citizens. However, taking a dissenting view, Bezuidenhout and Joubert (2008:145) write that the media assists in educating people about the dangers of crime.

Another factor that influences *modus operandi* is the perpetrator's previous criminal background information as it cannot be used as evidence in court because it is inadmissible. In terms of section 211 of the Criminal Procedure Act (CPA) 51 of 1977 (South Africa, 1977), evidence regarding an accused person's previous criminal background information is prohibited in court as it may create prejudice in the mind of the presiding officer that may be detrimental to the accused. However, the court may consider it only when determining the probable cause of crime, which will depend on the reliability and trustworthiness of the source of information.

Marais (1992:48-49) adds the following factors as influences of *modus operandi*:

- Crime perpetrator's education level;
- Changing needs and desires of crime perpetrators and society;
- Knowledge and experience of crime perpetrators;
- Crime perpetrator networking capabilities; and
- Crime perpetrator's personal influence in society.

Bennett and Hess (2004:336) argue that the factors that influence *modus operandi* are not static and can be changed as the offender learns and adapts to crime situations.

An analysis of the participants' views and the literature was conducted. It was apparent that no literature existed that specifically dealt with the factors that influence *modus operandi* pertaining to CSG fraud. The researcher noticed a resemblance between the factors influencing *modus operandi* as presented by the literature consulted

and factors influencing *modus operandi* in CSG fraud as presented by the participants. A preliminary conclusion was derived from the participants and the literature: the prominent common factors influencing *modus operandi* are time, location, any peculiarities of an offence that can assist in predicting the crime perpetrator, assets involved, the media, literature, perpetrator's criminal background information, opportunity to commit crime and knowledge. Factors influencing *modus operandi* of crime perpetrators of CSG fraud, particularly, include the following:

- Opportunity to commit crime;
- Knowledge;
- Changing needs;
- Position in society;
- Educational level and profile in society;
- Location;
- Day of the week;
- Time of day; and
- Type of assets involved and method used to commit fraud (e.g. furnishing false bank statements to deceive or mislead the officials into granting CSG money).

The fraudsters may further use techniques such as personal handwritten documents with their own fingerprints on them to commit this fraud. The information gathered from the abovementioned factors will help investigators to compile *modus operandi* files that contain information about the perpetrator.

## **2.4 COMMONLY USED *MODUS OPERANDI* IN CSG FRAUD**

The commonly used method of operation in committing CSG fraud is the presentation of false information in the application for social

grants (SASSA, 2009c:10). As is commonly known, the perpetrators often become stereotyped in committing CSG fraud by often using the same method. In CSG fraud, the perpetrators leave behind physical evidence and circumstantial evidence, which the investigator can examine for leads.

Both samples were asked questions related to commonly used *modus operandi* in CSG fraud. Sample A participants were asked to identify commonly used *modus operandi* in CSG fraud. Sample B participants were asked how they had committed CSG fraud as they had been involved in the crime. Sample A participants responded as follows:

- Three participants said registering non-existent children;
- Two participants said providing false information on application forms;
- Two participants said by using false ID book documents; and
- Three participants said by stealing third party official personal documents.

Sample B participants responded as follows:

- Three participants said by making use of counterfeited documents of unsuspecting children and guardians;
- Two participants said by declaring false information in affidavits so that they could cheat the system;
- Two participants said by registering an additional child, making it look like the children were twins (the practice is referred to as “CSG *Imbombozi* fraud”); and
- Three participants said by stealing third party official personal documents.

The responses of the 10 Sample A participants are strikingly similar. According to these participants, the commonly used types of *modus operandi* in CSG fraud are registering non-existent children to receive grants, providing and using false information to apply for grants, committing identity theft and using such documents to apply for grants. The Sample B participants provided similar responses to those provided by the Sample A participants. Information regarding how the perpetrators commit CSG fraud can assist in the efficient investigation of this crime.

The characteristic of fraud is that it is committed by communicating untrue information by making it look genuine to the detriment of the receiver. It often involves cooperation with people who have access to confidential information (Albrecht et al., 2012:218). The commonly used *modus operandi* in CSG fraud is the making use of a misrepresentation of information in order to access CSGs through the use of false documents (SASSA, 2010a:13). The perpetrators make use of the documents as described in section 222 of the CPA and section 33 of the Civil Procedure Evidence Act (CPE) 25 of 1965 (South Africa, 1965) in misrepresenting information so that they can be seen to comply with the requirements to apply for CSGs.

What is evident from the discussion above is that the participants and the literature reviewed share similar opinions on how CSG fraud is committed and the *modus operandi* that is commonly used in the commission of CSG fraud. Sample A participants and Sample B participants detailed commonly used *modus operandi* in CSG fraud. The Samples' responses were complementary; in fact they related to the common *modus operandi* used in committing CSG fraud. This means that the commonly used *modus operandi* in CSG fraud involves theft of documents and communication of false information, which normally follows a particular, stereotyped pattern. This is done to

misrepresent facts to mislead SASSA officials so that they can award grant monies to illegitimate grant applicants.

The next sub-sections examine the other common *modus operandi* used in committing CSG fraud: falsification of documents, ‘inside-job’ assistance and computer hacking.

#### **2.4.1 Falsification of documents**

In fraud, falsification of documents involves the activities of individuals who change the outlook of a particular document to resemble a genuine document that they intend to use in executing crime. In CSG fraud, the perpetrators make use of documents such as title deed documents and change them to look as if they are authentic.

Both samples were asked the same question, which is how documents for perpetration of CSG fraud are falsified. Sample A participants responded as follows:

- Three participants stated that the grant application forms entries are falsified by writing in incorrect information;
- Three participants said salary advices are falsified by inserting incorrect money figures;
- Two participants said children’s birth certificates are cloned; and
- Two participants mentioned that utility bills are counterfeited.

Sample B participants responded as follows:

- Four participants said incorrect information is written on the grant application forms;
- Two participants said pay slips are faked;
- Two participants said children’s birth certificates are faked; and
- Two participants said proof of physical address letters are faked.



The responses of the 20 participants from Samples A and B seemed to complement each other. While the responses were phrased differently, the general sense of the understanding of the participants is that documents are falsified in the commission of CSG fraud. The common agreement centred on falsified written information on the grant application forms, falsified salary advices, falsified children's birth documents and utility bills as well as falsified proof of residential address letters. The responses confirm that falsification of documents is one of the types of *modus operandi* that is commonly used in committing CSG fraud.

Most frequently, documents that are falsified are those that are stolen from innocent third parties (Benson & Simpson, 2009:19-20; Burger, 2011:18; Newman & Faull, 2011:5). Their personal information is forged for the documents to be used in grant application fraud. According to Gottschalk (2009:60-63), personal information is falsified to misrepresent the facts to mislead people. The real owners of the documents may be denied credit because of debts that are previously unknown to them or even risk their property being seized to satisfy a debt that they never incurred (Levi, 2009:55).

Falsification of documents is a form of identity theft, where innocent peoples' personal details are counterfeited or copied by the perpetrator with the intention of pretending to be someone else (Levi, 2008:122; Payne, 2013:58; SASSA, 2010b:9). The main reason for presenting false personal documents is to deceive unsuspecting innocent people so that the perpetrators may ultimately separate them from their assets (Copes & Vieraitis, 2012:565; Langseth, 2009:1-5; Caldero & Crank, 2010:5). Yusuf and Babalola (2009:428) emphasise that in the commission of fraud, employees are frequently involved in the falsification of documents by knowingly accepting or submitting fake or counterfeited documents with the intention of compromising

the grant application processes that are in place. This is often done so that they can gain financially.

An analysis of Sample A and B's responses was conducted and the views expressed in the literature was considered and correlations were found between falsification of documents in general crime and falsification of documents specific to CSG fraud as a common *modus operandi*. The literature was found to focus on falsification of documents in general crimes and the participants on falsification of documents pertaining to CSG fraud. The goal of falsifying documents is mainly to misrepresent information and cause SASSA to lose money. This therefore means that falsification of documents involves falsification of salary advices, children's birth certificates and utility bills as well as incorrect information provided and captured on the system where innocent third parties' information is used to apply for CSGs. The innocent parties mostly do not know that their information is being used for illegal activities unless they are alerted to this. This has the potential of tarnishing their names even with institutions such as credit bureaus.

#### **2.4.2 'Inside-job' assistance**

Coderre (2009:187-189) points out that 'inside-job' assistance is a form of corruption which is committed by manipulation of information. This is carried out by employees who are placed in a position of trust, with the objective of benefitting financially from their conduct. In CSG fraud, 'inside-job' assistance involves the employees' activities of compromising policies and procedures, which also include dereliction of duties and abuse of delegated powers in showing bias in deciding on the approval of grants.

As with the topic of falsification of documents, both Sample A and Sample B were asked the same question, which is how ‘inside-job’ assistance is carried out during the commission of CSG fraud.

Sample A participants responded as follows:

- Five participants said SASSA officials demand bribes in return for speeding up the processing and approval of grants;
- Three participants said SASSA officials illegitimately provide information on which necessary documents to provide to circumvent the procedure in return for a kickback; and
- Two participants said the officials from the Department of Home Affairs (DHA) assist in reproducing fake ID book and birth certificate documents in return for bribes.

Sample B participants responded as follows:

- Two participants said they paid money so that grant processing and approval could be fast tracked before the turnaround time;
- Four participants said SASSA officials deliberately receive incorrect documents from the applicants even though they know that the documents do not belong to the applicants; this is done to process the grants irregularly;
- Two participants said SASSA and SAPS officials assist in certifying fake documents and obtain kickbacks as a result; and
- Two participants said SASSA officials refer the grant applicants to external fraudsters, who generate ID books and birth certificates with numbers that do not exist on the population register for a fee. These documents assist in applying for grants.

The responses of the 20 participants from Samples A and B are similar to each other, with the common denominator that the perpetrators act corruptly by demanding bribes from the people they are assisting. The meaning derived from the participants provides an indication that ‘inside-job’ assistance is a commonly used *modus operandi* in committing CSG fraud.

Adejumo (2010:2-3) emphasises that ‘inside-job’ assistance is a form of unethical conduct which is punishable by law. It is committed when unscrupulous employees steal the employer’s assets, thereby breaking their trust relationship with the employer (Payne, 2013:65; Code of Conduct for Public Servants (South Africa, 2002c). Yusuf and Babalola (2009:419) and Ivkovic and Sauerman (2012:16) write that this crime can also be perpetrated when employees collude with perpetrators to facilitate loss to the employer. This is the case with CSG fraud as fraud encompasses conflict of interest because fraud is an act of dishonesty (Goldmann, 2010:97; section 1 of the Prevention of Organised Crime Act (POCA) 121 of 1998 (South Africa, 1998b) Newham & Faull, 2011:17). This type of fraud can even be committed by people who have legitimate access to sensitive information, if they illegally sell it to perpetrators, which can also be a case of sharing inside protected information with criminals (Payne, 2013:66; Copes & Vieraitis, 2012:566). A case in point is the case of *S v Seyisi* (2012) ZASCA 144, where a SASSA employee was convicted of fraud after colluding with criminals in stealing the employer’s money intended for payment of grants.

The case of *S v Tau* 1996 2 SASV 97 (T) is another case that clearly shows this irregular conduct. In this case, an employee who was entrusted with the company’s assets was convicted of fraud after violating the company’s policy by misappropriating the employer’s assets. In CSG fraud, ‘inside-job’ assistance further adds to the repeated delays to in the grant-application process, often

discouraging deserving applicants from pursuing their claims for CSGs (SASSA, 2010a:5).

The researcher analysed the participants' responses and literature data on 'inside-job' assistance in committing CSG fraud. Both sets of participants and the literature displayed a convergence of ideas and similar views. The answers support the assertion that 'inside-job' assistance in CSG fraud can be considered as being committed by officials that deliberately validate fake documents as genuine, despite the fact that they know that they are not; sell counterfeited documents; receive bribes from perpetrators for exchanging inside privileged information with the perpetrators; and untimely process the grants for payments. The officials that are often involved are SAPS members who corruptly certify fake documents and DHA officials who provide to the perpetrators fraudulent identities that enable them to apply for grants. The other officials are SASSA officials who have been entrusted with privileged or sensitive information and often demand bribes to speed up the processing of CSG applications.

#### **2.4.3 Computer system hacking**

According to Fick (2009:7), computer system hacking comprises all forms of access to a computer where a perpetrator offloads third party information via the internet without permission. In CSG fraud, this activity is carried out when the perpetrator is physically present in front of the computer linked to the internet or in a remote location. This is conducted by dishonest employees who use electronic devices to steal information.

For this topic, only Sample A participants were asked to explain what they understand by computer system hacking in CSG fraud. Sample B participants were asked whether they were involved in computer hacking incidents. Sample A participants responded as follows:

- Four participants said it is when key loggers are used remotely to collect SASSA officials' data on the internet without permission; and
- Six participants said it is when the dishonest employees assist the criminals by inserting devices that are used to store other unsuspecting employees' passwords.

Sample B participants responded as follows:

- Two participants said they were assisted by hackers to destroy files after false information was captured and grants approved; and
- Eight participants said they did not make use of computer system hacking in committing CSG fraud.

The responses of the 10 Sample A participants show no notable differences on the question of how computer hacking is committed by the perpetrators of CSG fraud. The participants listed the use of key loggers by dishonest employees working in cahoots with external criminals to steal grant money and/or destroy files. This information is potentially valuable in assisting investigators to understand how to conduct CSG fraud investigation. Only two Sample B participants had been involved in computer hacking and the other eight participants did not make use of it. However, the total of 12 participants' responses from two groups of participants indicated agreement that hacking is a factor in CSG fraud.

Computer system hacking involves the act of defrauding people by using their stolen personal information to commit fraud through the use of computers on the network (Payne, 2013:158; Olowu, 2009:2-4). In the same vein, Snail (2009:7) argues that the practice is a criminal act and that fraudsters are not easily apprehended given the complexity of a computer hacking. In terms of section 86(1)(2) of the Electronic Communication and Transaction Act (ECT Act) 25 of 2002

(South Africa, 2002b), “computer system hacking involves the act of a person who intentionally accesses or intercepts or modifies any data without permission or authority”. Access to data may be gained at various levels, where the hacker’s ultimate goal is to gain full access, in terms of section 86(1) of the Interception and Monitoring Prohibition Act (IMP Act) 127 of 1992, (South Africa, 1992). Evidence that is collected to prove the offence is documentary and electronic evidence.

Computer system hacking can be said to have occurred when an employee who was given limited access later and intentionally exceeds their authority by gaining unauthorised access to the database of a business or organisation. For instance, the employee may copy the database and sell it to criminals or exceed their authority or access the data for an unauthorised purpose in terms of section 86(2) of the ECT Act and the Regulation of Interception of Communication and Provision of Communication Related Information Act (RICA) 70 of 2002 (South Africa, 2002a).

There is notable synergy between computer system hacking in general crimes and computer system hacking in CSG fraud as referred to by the literature and participants respectively. The literature consulted focused on general crimes and the participants on computer system hacking related to CSG fraud. Computer hacking in CSG fraud can be instigated by the grant applicant, who uses hackers to destroy evidence on the system on the network, or can be committed when a perpetrator uses programs such as spywares that are remotely installed on a computer attached to an email to steal information. This crime is also committed through the use of software key loggers (computer hardware that is used to record activities on a computer), which can be remotely installed. The key loggers can be installed directly onto a computer; the software can log-in all the key strokes that are entered onto the computer by the user. The information is

then logged onto the device under the control of the perpetrator. This enables the perpetrator to obtain data such as passwords and other sensitive information of SASSA employees, which they can use to commit CSG fraud at a later stage.

## **2.5 MANIFESTATION OF CHILD SUPPORT GRANT FRAUD**

Child support grant fraud is mostly committed by people who have inside information on how processes at SASSA work from the grant-application stage to the payment stage. According to SASSA (2010c:4), CSG fraud as a leading fraud type in the government's social grants category is often perpetrated by or in collusion with the civil servants who are supposed to be its custodians.

For this topic, the researcher interviewed only Sample B participants. They were asked how CSG fraud is manifested. Sample A could not be asked as they have not been involved in the commission of CSG fraud and they did not have first-hand experience of it. Sample B participants responded as follows:

- Two participants said they did not divulge their employment status;
- One participant said they enlisted non-existent or incorrect physical addresses in the files hoping not to be traced someday;
- One participant said they obtained grant pay-outs through banks so that they were not spotted at manual pay points [a location where social grant money is manually paid to the recipients] by people who knew them in the communities, for fear that such people would report them to SASSA, the SIU or SAPS officials;
- Two participants said they lied in affidavits that they were primary care givers of children as their details would not appear on the Unemployment Insurance Fund (UIF) database;



- One participant said they masqueraded as people coming from poor family backgrounds by putting on old clothes and pretending to be poor, as grants are meant for indigent people;
- One participant said they did not divulge their marital status, knowing that total household income would be considered in the case that they were married and that this would disqualify them based on their income being above the means-test as set by SASSA; and
- Two participants said they used faked documents [counterfeit or fake ID book or birth certificate].

The responses of the 10 participants revealed that they used various forms of misrepresentation of information in the commission of CSG fraud. Misrepresentation of information may take the form of not divulging critical information, making use of banks to receive grant pay-outs, withholding information that would assist in deciding to award a grant or not, amongst other things. The examples provided by the participants confirm that hiding information is involved in the commission of CSG fraud. Although the participants mentioned different mechanisms that they used to defraud the CSG system, the common element amongst all of them was that they operated in such a way that it would be difficult to trace them.

It is apparent that CSG fraud is committed by omitting facts or by concealment of the truth by using grant documents. It also subordinates the public interests to an illegal individual private gain (Greef, Roos, Vorster & Van Romburgh, 2011:94; Newham & Faull, 2011:5). This behaviour is in contravention of section 21(2) of the Social Assistance Act 13 of 2004 (South Africa. Department of Social Development, 2004) as elaborated by Benson and Simpson (2009:10). Taking the point of misrepresentation of facts further, in the case of *S v Shaban* 1965 4 SA 646 (W), the minutes of business directors' meetings were improperly captured and certain important words were

deliberately omitted. In line with the above, the Hong Kong case of *Sin kam-wah & another v HKSAR* (2005) 8 HKCFAR 192 indicates misrepresentation of information as amounting to a crime. In this case, civil servants were convicted of fraud after they had misrepresented facts on documents in order to obtain personal financial gains from a government department illegally (Mcwalters & Carver, 2009:105). The courts in these cases ruled that the omission constituted a misrepresentation which prejudiced third parties and the acts were regarded as fraudulent conduct. Similarly, offenders who commit CSG fraud carry it out by misrepresenting facts through written words on documents such as sworn statements. This behaviour is also a criminal act in terms of section 9 of the Justices of Peace and Commissioners of Oaths Act 16 of 1963 (South Africa, 1963), as false information is given under oath and communicated to others who regard it as true, only to find out later that it is prejudicial to them.

In CSG fraud, crime perpetrators through dubious means often obtain duplicates of official documents that belong to other innocent people. These could be children's birth certificates or adults' ID book copies, which they use to commit fraud or sell to people who facilitate the commission of fraud. They also register 'ghost' children for grants by obtaining false birth certificates and, as a result, their conduct is contrary to the law. CSG fraud perpetrators often state in their affidavits that they are the parents or guardians of children who receive grants, they are unemployed and receive no income, they have children whereas these children are merely 'ghosts' and that they are legitimate parents of the children. They also hide their full income by stating that they are paid by hand and do not receive salary advice and by hiding their spouse's income as this has the potential to influence their grant qualification. Crime perpetrators are aware that SASSA has not as yet established working relations with other key strategic departments such as the South African Revenue Services (SARS), Government Employees Pension Fund (GEPF), UIF, and

DHA, which would be able to cross-check the applicants before awarding social grants. This means that no critical systems interface is in place to verify the applicants and this creates a serious loophole in the social grant system.

Based on the participants' responses and the information obtained from the literature, one sees similarities between the participants' the ideas presented on the manifestation of CSG fraud. There is no literature that specifically addresses the manifestation of CSG fraud and particularly in the context of SASSA as the organisation was established only recently. The literature reviewed concentrated on the manifestation of general fraud and the participants focused particularly on the manifestation of CSG fraud. However, the analysis of both the participants and the literature leads to a preliminary conclusion that CSG fraud is committed by utilising falsified documents with the purpose of gaining financial rewards.

In order to understand the recent *modus operandi* used in the commission of CSG fraud, it is prudent to look at how previous cases of CSG fraud should be investigated and whether investigators were able to utilise the *modus operandi* information properly during investigation.

## **2.6 INVESTIGATION OF CHILD SUPPORT GRANT FRAUD**

Investigation is a reactive enquiry process that attempts to uncover the truth about crime. Both investigation of fraud in general crimes and the investigation of CSG fraud in particular follow the same process. Once it has been established that CSG fraud has been committed, a forensic investigation must be conducted to discover the truth and hold the crime perpetrators responsible as well as recover the stolen assets. Investigation is assisted by the fact that crime

perpetrators leave clues at the crime scene that can be scientifically examined by experts to link the perpetrators to the crimes.

The question of how CSG fraud is investigated was posed to Sample A participants only, since Sample B participants are not investigators. Sample A participants responded as follows:

- Six participants said disputed documents are examined to obtain evidence that will be presented in court to prove cases;
- Two participants stated that they approach the suspects to obtain additional information about their *modus operandi* and other evidence that may be outstanding in the case docket; and
- Two participants stated that the crime perpetrators often accept responsibility and plead guilty in court due to the amount of physical evidence in the case docket.

The responses of eight participants correspond to one another on how CSG fraud is investigated. The participants mentioned that disputed documents are examined for evidence and information is obtained from suspects to resolve crime. The other two participants, who mentioned that crime perpetrators confess to the crimes, held the same views as the rest of the participants because they premised the confessions on investigators being able to gather sufficient evidence. It is a well-known fact that some suspects will opt to admit to a crime or even make a formal confession instead of engaging in a prolonged questioning about a particular incident.

Osterburg and Ward (2010:7-8) state that investigation is the reconstruction of past criminal events, from which investigators use information or evidence to solve crime. Investigation is intended to answer Who, What, When, Where, Why and How questions (Lyman, 2011:15; Van Rooyen, 2004:51). With the obtained information, the investigator could ascertain the type of crime that was committed,

identify the perpetrators and gather admissible evidence on the disputed documents to solve a particular crime and bring justice to the parties involved (Bennett & Hess, 2007:6). Monckton-Smith, Adams, Hart and Webb (2013:25) and Thornhull (1995:5) argue that in the process of conducting forensic investigation, the investigator will be scientifically testing physical evidence to assist the court to reach a just conclusion on a case. As a result, scientific findings will be applied to the question of law to serve justice and solve cases (Monckton-Smith et al., 2013:3; Dutelle, 2011:6; SASSA, 2010b:2).

In CSG fraud investigation, the investigation is based on cost-benefit analysis as per SASSA investigation policy (SASSA, 2010b:3-10; Newham & Faull, 2011:44). Two options exist for this investigation, the first being that SASSA investigators may conduct investigations and afterwards open a case with the SAPS. The second option is that SASSA investigators may conduct and complete the investigation before handing over and opening a case docket with the SAPS for placing on the court roll. The investigators in either case would be required to trace the witnesses and crime perpetrators. They would also obtain information and evidence on the perpetrators' involvement in the crime under investigation. The information and evidence would be used in court to establish what happened, who was responsible for the crime, which property is involved as well as where and why these crimes take place. The investigation is conducted to disrupt criminal networks, to recover money and secure convictions in court.

Looking at both the participants' responses and the literature reviewed, there are shared opinions on how the investigation of CSG fraud should be conducted. The literature consulted emphasised general investigation of fraud, which by implication includes the investigation of CSG fraud. The themes that prevailed are examination of physical evidence, collection of information and evidence, and the establishment of the guilt of the accused. Another

point of agreement is that a proper investigation gathers all possible information about the incident, thus assisting the courts to prove that the accused was involved in the commission of the offence and helping the court to arrive at a just and fair conclusion on the case.

### **2.6.1 Mandate to investigate Child Support Grant fraud in South Africa**

In the majority of countries in the world, the management of crime is the responsibility of the state. Such responsibilities and powers are regulated and managed by statutes to avoid violation of citizens' rights. Generally, the principal objectives of the SAPS are the prevention and investigation of crime and the protection of property in South Africa (Pepper, 2010:5). However, this mandate is also extended to other agencies. Particularly in the investigation of CSG fraud, the mandate to investigate is also extended to other institutions such as the SIU, the now disbanded Directorate of Special Operations (DSO) previously known as the Scorpions, and SASSA internal investigators, with the aim of reducing the police investigator's workload.

Only Sample A participants were asked about who has the mandate to investigate CSG fraud in South Africa. The participants in Sample B were not asked this question as they are not investigators and would not be expected to have this knowledge. The Sample A responses were recorded as follows:

- Two participants mentioned that only the SAPS and Directorate for Priority Crime Investigations (Hawks) in South Africa have the mandate to investigate CSG fraud; private citizens do not have the mandate, as South Africa does not have a law that authorises them to conduct investigations;

- Two participants stated that the SAPS and people who are registered in terms of the Security Officers Act 56 of 2001 can investigate crimes committed in businesses they are manning, but do not have the mandate to investigate CSG fraud; and
- Six participants stated that forensic investigation can only be conducted by the SAPS, Hawks and corporate investigators such as SIU and SASSA investigators.

Four participants seemed to lack knowledge about who has the mandate to investigate CSG fraud in South Africa. However, six participants had the knowledge that SIU, SAPS and SASSA internal investigators have the mandate to investigate CSG fraud. The outcomes of six participants' feedback are complementary, saying the SIU, SASSA and SAPS as well as Hawks investigators have the mandate to investigate CSG fraud in South Africa. The other two participants said only the SAPS and Hawks can investigate CSG fraud in South Africa. However, the other two participants mentioned the SAPS and private investigators only as institutions that can investigate CSG fraud, thereby leaving out corporate investigators.

The SAPS was given a constitutional mandate to maintain public order, to protect and secure the inhabitants of the Republic and their properties, uphold and enforce the law and prevent, combat and investigate all crimes in South Africa by section 205 (3) of the Constitution of South Africa Act 108 of 1996 (South Africa, 1996a). It is also given a legislative mandate by section 13 of the South African Police Service Act (SAPS Act) 68 of 1995. This power is also extended by sections 19-57 of the Criminal Procedure Act 51 of 1977 (South Africa, 1977), which states that only the SAPS can bring a case docket to the criminal court. However, in terms of section 84 and 85(1) (b) (c) and (d) of the Public Finance Management Act (PFMA Act) 1 of 1999 (South Africa, 1999), corporate investigators are authorised to investigate fraud and corruption in government

departments or entities of government. This mandate given to corporate investigators and in the context of social grants is clearly stipulated in the Social Assistance Act 13 of 2004 (South Africa, 2004a). In terms of sections 22(2) and 23(1) of the same Act, SASSA investigators are empowered to investigate all crimes related to social grants. SASSA investigators may interview as well as administer oaths or affirmations with the intention of obtaining information for their investigations. Another institution that is tasked with investigating CSG fraud is the SIU. The SIU investigates CSG fraud in terms of proclamation R 27 of 2010 in accordance with the Special Investigation Units and Special Tribunals Act 74 of 1996. To qualify the above, in the case of *S v Botha and others* (1) 1995 (2) SACR 598 (WLD), the court in interpreting section 205 (3) of the Constitution took a decision that the corporate investigators have the powers to investigate crime in South Africa.

The information obtained from the participants and the literature revealed agreement between these sources regarding who has the mandate to investigate CSG fraud in South Africa, apart from the four investigators who submitted that this mandate is given exclusively to the SAPS. While the participants confirmed that corporate investigators can investigate the cases of CSG fraud, the case of *S v Dube* 2000 (1) SACR 53 N also confirms that private and/or corporate investigators are empowered to investigate crime in South Africa. In this case, the court held that the private investigators who set a trap during their investigation in terms of section 252 (9) of the CPA, acted within the ambit of the law and their evidence was admitted in court.

It is a widely held view that the SAPS on its own is unable to investigate all crimes owing to manpower constraints, particularly in cases that require expertise, knowledge and specialised skills such as those required for fraud investigation. It is critical to note that even



though the above-mentioned institutions conduct their own investigations, the matters still have to be transferred to the SAPS for the opening of a case docket that will be sent to court for prosecution. There is common consensus that only institutions which are mandated by legislation can investigate CSG fraud in South Africa. The literature and participants seem to point out that the SAPS, Hawks, SIU and SASSA internal investigators can conduct CSG fraud investigation in South Africa. This means conducting investigation at the crime scene to hold the perpetrators responsible for the crime by utilising crime scene information and evidence.

### **2.6.2 Role of the crime scene in investigation of Child Support Grant fraud**

The crime scene is a location where significant information relating to a crime can be found and a location where significant evidence can be discovered (Stelfox, 2009:126). As with other crimes, in the investigation of CSG fraud it is at the crime scene where tangible and intangible information about the crime is gathered and processed.

Only the participants in Sample A were asked to define the role of the crime scene in CSG fraud investigation. The participants in Sample B could not be asked as they are not investigators and would not be expected to know. The responses of the Sample A participants were recorded as follows:

- Four participants said a crime scene is where evidence is found, and evidence is used to link crime perpetrators to the crime;
- Three participants mentioned that in CSG fraud crime scenes, exhibits such as documents are discovered; and
- Three participants said the crime scene is where clues, traits and *modus operandi* information are learned to link the crime perpetrator.

The responses of the 10 participants in this regard shed light on the role of the crime scene in investigation of CSG fraud. Although in the context of general crimes, mention was made of *modus operandi* information and documents, which are most likely to be discovered at the scene of CSG fraud. The participants' responses indicate that clues are discovered from the crime scene in the investigation of CSG fraud.

Fisher, Tilstone and Woytowicz (2009:5) and Dutelle (2011:4-5) assert that it is at the crime scene where forensic investigation has to be conducted so that clues can be found. A different definition of the crime scene is that it can be anything that will need to be investigated (Monckton-Smith et al., 2013:45). It can also include other locations which the crime perpetrator may have later had contact with by leaving significant clues that will need to be examined for leads (Stelfox, 2009:126-127; Fish, Miller, Braswell & Wallace 2014:XXiii; Monckton-Smith et al., 2013:45). Some crimes have primary, secondary and even tertiary crime scenes where evidence still needs to be collected. According to the USA Department of the Treasury (2011:91) and Osterburg and Ward (2010:91-92), a CSG crime scene will always reveal one or more victims, objects, offenders and witnesses as main actors in the analysis of the crime scene and who have interacted with it during the commission of a crime. Similarly, documents used in the perpetration of crime can be associated with a crime scene. In terms of section 236 of the CPA, the production of a document used in the commission of a crime is a *prima facie* proof of the incident.

There are common issues raised by the participants and the literature. The literature focused primarily on the general crime scene whereas the participants focused specifically on CSG fraud crime scenes. In essence, the crime scene reveals the perpetrator's *modus operandi*, traits and physical evidence, as is pointed out by both the literature

and the participants as far as the CSG fraud crime scene is concerned. The preliminary conclusions derived from the research data sources are therefore that, in CSG fraud, the crime scene may reveal documents that grant applicants presented when they initially applied for their grants. These documents could be false affidavits that were made in the presence of a commissioner of oaths. In addition, grant application documents that were completed by the perpetrator in the presence of SASSA officials can also carry crucial information about the commission of CSG fraud. Again, a scene of CSG fraud can take the form of computer printouts, where information is inputted electronically. These documents have to be scientifically examined to identify and individualise the crime perpetrators by making use of crime information analysis and link analysis.

## **2.7 CRIME INFORMATION ANALYSIS**

The generation of reliable crime information that is utilised in the investigation of crime is the main goal of crime information analysis (SAPS, 2011:13). In CSG fraud, data is collected from objective and subjective sources of information. This data is then analysed and converted into relevant and reliable crime intelligence information. This crime information is then disseminated to the investigators to use in solving crime.

Only Sample A participants were asked to elaborate on the importance of crime information analysis in CSG fraud investigation. Sample B participants were not asked as they are not investigators. Sample A participants responded as follows:

- Three participants said crime information analysis is vital as reliable information is important in commencing the investigation and clearing cases in court as well as soliciting information about *modus operandi*;

- Five participants said it will reveal concrete information about the perpetrators' traits, which will assist in the investigation and conviction; and
- Two participants said public informers always report truthful information, and crime information analysis is not important in CSG fraud investigation.

Two participants seemed not to prefer the use of crime information analysis in CSG fraud investigation because they trusted informers' information in exclusion of any other information. However, the majority of participants were aware of the importance of crime information analysis and mentioned that it produces quality and reliable information to use in investigation. Specific to this study, three participants made reference to how *modus operandi* information can be solicited from this analysis.

Crime information analysis is the logical examination of crimes that have penetrated preventive measures. The analysis is conducted by gathering similar and related facts about crime or incidents to feed the investigators with reliable information (Vellani & Nahoun, 2001:2). Osborne and Wernicke (2003:1) submit that crime information analysis is conducted by breaking up criminal acts that were committed in violation of the laws into their constituent parts. This is undertaken to assist the investigators to understand the immediate crime problem and to fight crime effectively. The practice is often referred to as intelligence-led policing and it involves a systematic approach that entails a process of collection, collation, analysis, interpretation and dissemination of the relevant usable information to the investigators to use in solving crime (Dempsey & Forst, 2008:300).

Crime analysis information assists CSG fraud investigators to plan for future resource needs and develop strategies and tactics to prevent or solve crime. SASSA's crime information analysts perform the fact-finding work of analysis and verification of information on grant-application files by utilising tactical crime information analysis. This enables them to analyse information that is received from the sources via telephone on the presidential or SASSA fraud hotlines, by mail or at SASSA offices' walk-in facilities. They conduct crime mapping on charts and on computer on a monthly basis. The information reveals unusually high concentrations of crimes and crime types. This results in revealing hot-spots, operational style, crime pattern, information of target, crime perpetrator, nature of physical evidence, type of instrument used, type of property defrauded and location of the crime, which all amount to *modus operandi* information (SASSA, 2010:7). This information may also lead to the arrest of crime perpetrators and further assist in the statistical analysis of crime by allowing projections of future crimes and policing needs with precision. Crime information analysis brings quality information that goes against the traditional reactive approach to policing into action-oriented policing (Osborne & Wernicke, 2003:71).

It is apparent that there are common issues raised by the participants and the literature. The participants focused on crime information analysis of CSG fraud and the literature on crime information analysis of general crimes. The analysis of both the participants and the literature leads to a preliminary conclusion that crime information analysis is important in CSG fraud investigations as it produces credible crime information that can be utilised in crime investigation. The information can also be used to discover a perpetrator's traits, determine a crime pattern, predict future crimes and deter prospective criminals. In addition, reliable information can highlight CSG fraud red flags, which include, amongst others:

- Missing documents in the grant-application file;
- Incomplete entries in the documents of the file;
- Suspicious number of children in comparison to the age of the parent (e.g. a 22-year-old single woman in possession of seven birth certificates of children she claims are hers);
- Different surnames between the grant applicants and the children;
- If gainfully employed, income that is slightly below the means-test threshold;
- Residential address in relation to the value of the suburb and property;
- Affidavits that claim that the children are fatherless or fathers cannot be traced;
- Affidavits that do not state physical addresses but only the name of an informal settlement;
- Income of a civil servant that falls below the means-test threshold;
- Suspicious distance between the residential address and office where the application was made;
- Gainfully employed people using a new bank account during the grant-application stage;
- Questionable handwriting and fingerprints on the documents; and, finally,
- Alterations on the documents.

The CSG fraud red flags can be instrumental in providing adequate knowledge of the motive of the offender, details of the crime, syndicate formations and *modus operandi* in the context of CSG fraud. They can also be analysed to reveal a *modus operandi* that most CSG fraudsters make use of in committing various types of social grant fraud.

## 2.8 SUMMARY

The majority of CSG fraud is committed through collusion with government officials. These officials often assist in committing CSG fraud by using computer devices to steal the employer's privileged information. By its nature, CSG fraud involves a great deal of deceit and misrepresentation. This misrepresentation is always aimed at causing prejudice to innocent parties. The crime is committed by making use of illegitimate documents.

From the information that was analysed it was established that, in South Africa, only the corporate investigators who are given a mandate by legislation can investigate CSG fraud. In CSG fraud crime scenes, documents that were manipulated to perpetrate this fraud are examined by experts to glean information that is used in court as evidence to solve crime. In the event that physical evidence is not discovered at the scene, reliable information can be obtained through the use of crime information analysis.

Crime information analysis can be used for providing quality information to investigators, which they, in turn, can use to solve crime. This is intelligence information that was collected from sources and analysed by crime analysts for use in CSG fraud investigation and comprises information about the perpetrators' traits in committing crime and *modus operandi*, amongst others. The information can reveal the patterns and trends of the crime in relation to the perpetrator. This information is an essential investigative aid in CSG fraud as it assists to direct the investigation to the correct perpetrator and to uncover non-contact crimes.

## **CHAPTER THREE: THE VALUE OF *MODUS OPERANDI* IN THE INVESTIGATION OF CSG FRAUD**

### **3.1 INTRODUCTION**

The traits of perpetrators can be learnt through an analysis of *modus operandi*. In addition, *modus operandi* can be valuable in linking up the various cases and ultimately linking the perpetrators to a crime. *Modus operandi*, as a valuable associative investigative tool, is based on the notion that perpetrators are creatures of habit as they consistently commit crimes by employing similar styles repeatedly. The specific *modus operandi* information which perpetrators leave at a crime scene then becomes the central focus of the investigation as the investigators utilise it to discover the facts about the crime (Buckles, 2007:11). The inherent *modus operandi* used in the commission of CSG fraud involves a great deal of deceit. Since perpetrators make use of false documents in CSG fraud, the investigator must ensure that all essential elements of fraud were violated before charging a perpetrator on fraud.

It is against this background that this chapter looks critically at the admissibility requirement of *modus operandi* information in CSG fraud investigation, the outcomes of CSG *modus operandi* information analysis and the value of *modus operandi* information in the investigation of CSG fraud.

### **3.2 THE ADMISSIBILITY REQUIREMENTS OF *MODUS OPERANDI***

“Admissibility of evidence or information” refers to evidence or information that meets specific criteria and standards for it to be admissible in court. The court prescribes that evidence or information must be both relevant and material to the case and must be subject to



certain legal restrictions. In CSG fraud, descriptive *modus operandi* information collection follows a sequence and has to comply with specific legal restrictions from collection and analysis to prosecution to guarantee admissibility in court.

The researcher asked the Sample A participants to identify the admissibility requirements of *modus operandi* in CSG fraud. Sample B participants were excluded as they are not investigators. Sample A participants responded as follows:

- Three participants mentioned that *modus operandi* is admissible in court under similar fact evidence;
- Two participants said *modus operandi* is only an investigative aid that assists the investigator in discovering physical evidence that will ultimately place the perpetrator at the crime scene;
- Two participants said the court admits evidence that shows a pattern of crime with a similar method of operation; and
- Three participants said *modus operandi* is not evidence and that reliance on it cannot assist to convict the accused in court.

The outcomes of five participants' feedback seem to indicate that they are of the opinion that *modus operandi* information can be used as evidence in a court of law. However, the other participants seem to differ in opinion as they viewed *modus operandi* as a tool that can enhance the quality of evidence without necessarily acting as evidence in a court of law. All participants indicated that *modus operandi* information has a role to play in investigation of CSG fraud.

In terms of section 210 of the CPA, no evidence as to any fact, matter or thing shall be admissible which is irrelevant or immaterial and which cannot conduce to prove or disprove any point or fact at issue in criminal proceeding." It is apparent that admissibility of evidence in court means that investigators are able to identify the evidence as

the same as that found at the crime scene. There are three methods that investigators can use to show that the evidence in their possession is similar to evidence discovered at the crime scene. These methods include describing how the similarity was established, establishing the custody of information or evidence from discovery to presentation and if any changes to the information or evidence occurred providing a justifiable reason for them (Sennewald & Tsukayama, 2001:140-141; Becker, 2009:34). In line with the above, Lushbaugh and Weston (2009:5) and Van Harten (2009:1-3) emphasise that some fundamental requirements that might be considered by the court in deciding on the admissibility of evidence are the following:

- Reliability;
- Originality;
- Authenticity;
- Legality of evidence; and
- The best evidence rule.

Evidence related to similar fact evidence is admissible where it is relevant to show system, course of conduct, design and plan. The rationale is that evidence of design or plan or course of conduct does not constitute evidence of a person's character, but constitutes evidence of the method of carrying out the act charged, and is relevant on this basis. The act charged is regarded as a characteristic or distinctive demonstration or instance of the plan, design or conduct, as described in the case of M 1995 (1) SACR 667 BA (South African Law Report, 2000). Similar fact evidence is evidence that refers to illegal conduct of a party on an occasion other than the incident in contention, but which is also of such a character that it is pertinent to the conduct on the occasion which forms the subject-matter of the dispute (De Villiers, 2011:54; Warburton & Lewis, 2009:51-53). In support of the above, Joubert (2010:387) asserts that similar fact evidence is determined by a degree of the similarities

between the perpetrator's conduct in previous incidents and the current occasion that is the subject of the court inquiry. Similar fact evidence is necessary to establish a crime pattern by connecting one event to another to prove the matter in dispute. The evidence relating to *modus operandi* on two counts is relevant and admissible in court as indirect evidence; hence, *modus operandi* is admissible in court as similar fact evidence. The court considers the following factors as constituting similar fact evidence:

- Continuity;
- Improbability of coincidence;
- Common source;
- Time and place; and
- Strong circumstantial evidence disproving of a defence or a fact that is disputed by the accused (*Nduna v S 076/10 [2010] ZASCA 120; R v Mathews 1960 (1) SA 752 (A)*).

In the case of *Jonginanba v S A389/10*, similar fact evidence was used to convict the accused of robbery after his fingerprints were found at different crime scenes. The court accepted this as similar fact evidence as it possessed remarkably similar attributes and had a logical connection to the fact at issue. It is through this principle that the courts often draw admissible deductions regarding the evidential value of similar fact evidence.

The participants' viewpoints and the ideas expressed in the literature were compared and analysed. Both sources displayed some commonalities on what constitutes admissibility requirements of *modus operandi* in general crime and in CSG fraud investigation. A preliminary conclusion can be drawn that *modus operandi* is admissible in court as similar fact evidence under circumstantial evidence provided that the investigator can prove to the court that *modus operandi* was collected in compliance with the relevant laws.

The deductions made from the literature and research participants are that similar fact evidence will only be admitted if it has a strong degree of probative force and is proven to have been scientifically collected and analysed for use.

### **3.3 THE OUTCOMES OF *MODUS OPERANDI* INFORMATION ANALYSIS**

The outcomes of the perpetrator's *modus operandi* information analysis are in fact the result of what *modus operandi* will contribute to an investigation (Johnson, 2010:147). In CSG fraud, the *modus operandi* outcomes are derived through analysing *modus operandi* behaviours, which the investigator most commonly uses to link crimes to a specific perpetrator by analysing documentary evidence.

As in the previous discussion, only Sample A participants were asked to describe the outcomes of *modus operandi* information analysis in CSG fraud investigation. Sample B participants were not asked as they are not investigators. Sample A participants responded as follows:

- Three participants mentioned that it is to predict who the likely perpetrators are so that they can be linked to the crime;
- Five participants said it is to arrest the perpetrators through the use of probative evidence; and
- Two participants said it is to reveal specific *modus operandi* used in the commission of CSG fraud.

The 10 participants seemed to express common views about the outcomes of *modus operandi* analysis in CSG fraud investigation. In general, they agreed that there are outcomes of *modus operandi* analysis. Although what these outcomes are differs from one participant to the next, the underlying issue is that they all believed that the outcomes such as arrest, prediction of perpetrators and the

revelation of how the crime was committed are some of the outcomes of *modus operandi* information.

According to Potgieter and De Wet (2010:1), *modus operandi* outcomes usually serve to divulge the identity and make possible the apprehension of the perpetrators through their behaviours. Flick (2009:14) and Turvey (2008:310) believe that *modus operandi* outcomes have the potential of narrowing down the number of perpetrators by providing clues and guidance to the investigator that could be used as probative evidence in court. These clues and guidance can assist in determining the nature of the crime and can expedite the investigation. Zinn (2010:137) argues that *modus operandi* information could be useful to investigators in tracing the likely perpetrator and it could further assist investigators to refine interrogation techniques that will help them to trace physical evidence at the crime scene and link the perpetrator to the crime.

Comparing participants' views with the literature indicates common agreement between *modus operandi* outcomes in general crime and *modus operandi* outcomes in CSG fraud. The information from the literature consulted concerns general *modus operandi* outcomes and the participants answered a question on *modus operandi* outcomes specific to CSG fraud. The two concepts are reconcilable as they are not at variance with one another. As a preliminary conclusion, an inference can be drawn that the outcomes of *modus operandi* information analysis in CSG fraud include predicting the likely future perpetrators and identifying specific *modus operandi* used in the commission of crimes, identifying and apprehending the perpetrators, and ultimately having them convicted in court.

The next section focuses on three outcomes which were commonly referred to both by the research participants and in the literature.

These outcomes are investigative linkage, behaviour commonalities and probative link.

### **3.3.1 An investigative linkage**

An investigative linkage in investigation means that attempts are made to connect cases together based on their characteristics and attributes (Potgieter & De Wet, 2010:4). In CSG fraud, this may be the resulting correlation that connects the likely similar cases together because of the supposition that they were committed by the same perpetrator. Similar leads can be utilised as a linking factor in CSG fraud.

Responses were sought from Sample A to establish what an investigative linkage in CSG fraud investigation entails. Sample B participants are not investigators and were not asked this question as a result. Sample A participants responded as follows:

- Six participants said investigative linkage is done when similar cases are connected to each other by *modus operandi*; and
- Four participants said it is when *modus operandi* information is used in grouping similar cases based on identical crime pattern peculiarities.

The responses of the 10 participants are similar to one another. They seem to have an understanding of what investigative linkage in CSG fraud investigation entails. For instance, each participant shared the same opinion that *modus operandi* is instrumental in linking up cases that show similarities in features and peculiarities.

Investigative linkage is a systematic process that connects crimes because of similarities that are not coincidental. An investigative linkage makes it very probable that a specific perpetrator has

committed the crimes. This is often made possible by the fact that the perpetrator has left identical traces during the commission of a crime (Woodhams, Fuller, 2009: 1; Bull & Hollin, 2007:118). In line with the above authors, Westphal (2009:12) asserts that investigative linkage steers the investigator to investigate the same perpetrators with a focus on the same *modus operandi* and physical evidence that connects them to the crime. This will ensure that investigators have a high degree of confidence that they are still targeting the same perpetrators.

Gathering documents, analysing documents and identifying crime features, determining if a signature exists across the crimes and preparing investigative opinion for use by the investigators in apprehending the perpetrator are some of the activities associated with investigative linkage (Siegel et al. 2013:157). In the main, investigative linkage is intended for the apprehension of perpetrators through case comparison that ultimately enables docket linkage, which is intended to tie several cases to a perpetrator (Hazelwood & Warren, 2012:314-316).

When comparing the responses of the participants and the literature, it was established that the two concepts: “investigative linkage in general crimes” and “investigative linkage in CSG fraud” refer to the same concept. The participants answered a question on investigative linkage in CSG fraud, which is the crux of this research. This therefore means that preliminary findings can be made that *modus operandi* can make investigative linkage possible by connecting cases by their characteristics and attributes such as traits of the perpetrator. In CSG fraud investigation, this is achieved by analysing suspicious documents with the intention of establishing identical and emerging patterns.

### 3.3.2 Behavioural commonality

It is common cause that as soon as perpetrators have committed crimes, there are certain commonalities that can be deduced. These descriptive behavioural similarities can either be part of the crime scene or the perpetrators or other people known or unknown to them. Behavioural commonality as an outcome of *modus operandi* information analysis is a valuable tell-tale sign that can be used in connecting perpetrators to a crime by systematically classifying them. In CSG fraud, the fact that incorrect addresses are provided and fake salary advices with incorrect amounts are used to cheat the system can assist to pinpoint the common behaviours of the perpetrators.

As with the question on investigative linkages, only Sample A participants were asked what the behavioural commonalities of CSG fraudsters are. Sample B was excluded by the virtue of the fact that this question can only be answered by investigators who are trained and have applied this investigation method. The following responses were recorded:

- Three participants said they verbally misrepresented facts;
- Two participants said they prefer forging official documents;
- One participant said they are inclined to keep secret; and
- Four participants said their behaviour is the same and it is difficult to single out a group of perpetrators based on the fraudulent documents they have submitted.

The responses of the 10 participants are very individual, however, not entirely different. The participants seemed to understand that behaviour commonality in CSG fraud investigation is an outcome of *modus operandi*. For instance, each participant shed light on what they had observed and how that observation amounted to common characteristics portrayed by the CSG fraudsters.



Behavioural similarities evident in CSG fraud involve the use of misrepresentation of information and fraudulent documents in grant application (SASSA, 2010a:13). Similarly, Goldmann (2010:146) emphasises that in the commission of fraud, perpetrators make use of bogus documents to apply for credits. The common crime scene behaviour, which is familiar to the fraud scene, has the potential of leading to the arrest of the perpetrator (Hazelwood & Warren, 2012:307-308). However, Kossmo (2005:7-10) cautions that even though there are similarities in crime characteristics, which may suggest a link, a more detailed examination may reveal inconsistencies that may not be in line with the behaviour commonalities theory.

A comparison of participants' views and the literature shows synergy between behaviour commonalities in general crimes and behaviour commonalities in CSG fraud. Behaviour commonality is regarded as one of the outcomes of *modus operandi* information analysis. The basis for this view is that behaviour commonality in CSG fraud is manifested by misrepresentation of facts and concealment of the truth. The preliminary conclusion can be drawn that, in CSG fraud, behavioural commonality as one of the outcomes of *modus operandi* information analysis is associated with forging documents, communicating untruthful information and misrepresenting information by the perpetrators when they apply for CSGs in order to illegally obtain financial gain.

### **3.3.3 A probative link**

A probative link is a connection that is sufficiently distinctive to be noticed from either unique perpetrator behaviour or a signature that is shared by more than two cases with limited behavioural dissimilarities (Turvey, 2012:349). A probative link is also one of the outcomes of *modus operandi* information analysis. In CSG fraud, this

can be observed when a perpetrator who applies for more than two types of social grants makes use of similar fraudulent bank accounts in both instances which, makes it possible to support an inference.

As an extension of the previous discussion, only Sample A participants were asked how a probative link as an outcome of *modus operandi* information analysis is used in CSG fraud investigation. Sample B participants were excluded because this question can only be answered by investigators who are trained and have applied this investigation method before. The following responses were recorded:

- Four participants said probative information is not utilised and it cannot succeed in court as the court can only admit real evidence; and
- Six participants said by isolating and studying unique features of crime based on logic, sense and experience, this can lead the investigator to real evidence that will link the perpetrator to the crime.

The outcomes of six participants' responses seem to show common views on the value of a probative link as one of the outcomes of *modus operandi* information analysis in CSG fraud investigation. However, the researcher noted that the other participants ignored or did not have sufficient knowledge regarding the court's ability to draw inferences. The responses of this other group of participants can imply that the courts do not admit other evidence such as circumstantial evidence or drawing of inferences from other types of evidence other than real evidence. As the researcher cannot outrightly conclude that these participants did not have knowledge on this subject, information from the literature is used to establish the truthfulness of their submissions.

Solving crime by analysing the requisite unique behaviours of the perpetrators is at the back of a probative link as an outcome of *modus operandi* information analysis (Hazelwood & Warren, 2012:209). A probative link of evidence with limited behaviour dissimilarities was considered essential for convicting a perpetrator on a charge of armed robbery in the case of *Nduna v S 076/10 [2010] ZASCA 120*. In addition, the case of *S v Legote 2001 (2) SACR 179 (SCA)* shows the usefulness of probative value of evidence as an ideal probative link in forensic investigations based on fact and not opinion (Siegel et al., 2013:157). In this case, the court convicted the accused after distinctive fingerprint evidence was found on a motor vehicle that was used in the commission of crime.

In the cases of *S v Seyisi (2012) ZASCA 144*; *S v Howells 1999 (1) SACR 675 (C)*, *S v Whitehouse 2005 ZASCA 155 (C)*, the accused were employees of SASSA and given the function and responsibility of processing grants for the beneficiaries. They were convicted of CSG fraud after they repeatedly transferred grant monies into their personal bank accounts illegally. The court could prove that they logged on to the system using their allocated passwords and transferred the monies into their personal bank accounts, which proved probative link of evidence based on the system reports that contained their computer log-in passwords. These cases are not only an indication of the value of probative evidence but also confirm that probative linkage is scientific and not based on opinion only.

The participants' submissions and information obtained from the literature were found to agree on how probative link as an outcome of *modus operandi* information analysis is used in solving crime. Common views expressed by both the literature and the participants are that a probative link can be determined by unique behaviour of a perpetrator that is shared by more than two cases with limited behavioural dissimilarities. However, the participants' responses

specifically addressed CSG fraud investigation. Case law, particularly the case of *S v Seyise* and other related cases, also alluded to the importance of a probative link as an outcome of *modus operandi* information analysis in CSG fraud cases.

Despite the above-mentioned distinctions, there is no difference between the concept of a probative linkage in separate cases of CSG fraud and other crimes. It can be deduced that when making use of a probative linkage in CSG fraud, inputs such as leads and information are used to solve crime. These inputs are always inferred from the behavioural characteristics of the perpetrators that may help to identify them. Although a probative link as an end result of *modus operandi* information analysis is not evidence in CSG fraud investigation, it is a useful investigative aid that assists in guiding the investigation to the correct perpetrator rather than widening the scope of the investigation.

Apart from the outcomes of the analysis of *modus operandi*, there is value in considering *modus operandi* in the investigation of CSG fraud and this is discussed next.

### **3.4 THE VALUE OF *MODUS OPERANDI* IN THE INVESTIGATION OF CHILD SUPPORT GRANT FRAUD**

The value of *modus operandi* information is based on the premise that perpetrators' track and trails can be followed by scrutinising crime trends and consistencies that seem common in various crimes. It is evident from the research questions and aim of this study that the effort lies with the investigator to establish the value of *modus operandi* in the investigation of CSG fraud. Put differently, this study is aimed at establishing the benefits of applying *modus operandi* information to different cases, particularly during the investigation of CSG fraud.

The researcher interviewed only Sample A participants about this topic. The participants were asked to respond to the question: What is the value of *modus operandi* in CSG fraud investigation? Sample B participants were excluded as they do not have first-hand experience of investigating CSG fraud. Sample A participants responded as follows:

- One participant said it assists in narrowing the investigation length, as cases are expedited and resolved within a reasonable period;
- Two participants said it assists in classifying the offenders and eliminating them from a group;
- Two participants said it assists in predicting who the likely perpetrators are; and
- Five participants said it is of no value for CSG fraud investigation because it is not real evidence.

The responses of five participants to a large extent seemed to correspond with one another. These participants were of the opinion that *modus operandi* is valuable to the investigation of CSG fraud by predicting, classifying and expediting the investigation. However, the other five participants seemed to take the opposite viewpoint to the rest of the participants and seemed not to regard *modus operandi* as being essential in CSG fraud investigation.

According to Turvey (2008:305), *modus operandi* is an invaluable behavioural recognition technique that is often used in the identification and arrest of perpetrators. It is based on the fact that many perpetrators make use of their tried and tested method of operation when committing crime and that this is significant because it makes crime scene reconstruction possible (Casey, 2011:256). In line with the above, Ainsworth (2001:8) submits that crime scene reconstruction will unearth the contributions made by the various

perpetrators that may help to identify and apprehend the perpetrators by making use of linkage analysis. These contributions are collected and preserved in *modus operandi* files, which contain peculiarities of crimes as well as meticulous information of solved and unsolved crimes that assist investigators to solve crime by matching the characteristics of perpetrators of previous crimes (Hess & Orthmann, 2010:17).

*Modus operandi* is crucial when a crime trend has been identified and again when the collected information can be analysed against the details that are contained in the *modus operandi* files. As a result, this makes possible the scientific study and classification of the clues (Ratcliffe, 2008:118). Potgieter and De Wet (2010:2) assert that *modus operandi* has proven to be of considerable assistance in investigation as a crime-prevention strategy and an aid to investigators in the identification and arrest of perpetrators. It is also valuable in formulating strategies to combat crime, provided that the information was collected in a scientific manner.

An interpretation of the participants' responses and the literature confirms the argument that *modus operandi* can serve as a behaviour-recognition technique that can assist the investigator to identify and individualise the perpetrator. It can also assist to profile and link perpetrators to several unsolved cases. This implies that the value of *modus operandi* in CSG fraud investigation includes narrowing a pool of perpetrators, assisting in crime scene reconstruction to determine who is responsible for a crime and assisting an investigation by predicting and clustering together the likely perpetrators. In addition, *modus operandi* will reveal the stages that a perpetrator has followed when committing a crime. The manner in which a perpetrator commits a crime will expose a particular style and character.

*Modus operandi* information is valuable for a variety of reasons. This study focuses on identification, individualisation, profiling of offenders, comparison with unsolved cases, and case linkage as different benefits of an effective usage of *modus operandi* information. Although there are additional benefits, this study has concentrated on only those that were frequently referred to by both the research participants and the literature. These benefits are discussed in the next sections.

### **3.4.1 Identification**

According to Fick (2009:9), identification is a classification system that is completed when objects or subjects with similar characteristics are classified into one category and a name is allocated to the category. Identification as a benefit of *modus operandi* is classified into several categories, such as witness identification, imprint identification, culprit identification, origin identification, situation identification, action identification and cumulative identification.

For the purpose of this research, all the above categories are relevant to CSG fraud investigation. In CSG fraud investigation, a completed grant-application file or docket with personal records is an object that can be examined to identify the perpetrator. The above example shows that many categories of identification are applied in the investigation.

Only Sample A participants were asked: How is identification a value of *modus operandi* information in CSG fraud investigation? Sample B participants were not asked as they are not investigators. Sample A participants responded as follows:

- Seven participants said the investigator will identify the suspect by studying the same method of operation in committing a series

of incidences and categories of similar methods to assist in identification; and

- Three participants said the distinctive traits of the suspect can be used to positively identify the documents from others to assist in the investigation.

The outcomes of the 10 participants' feedback are complementary on how identification can be a value of *modus operandi* information in CSG fraud investigation. The sense derived from the participants' submissions is that identification does not involve testing but rather it is a mere placing of an object within a particular class to assist in the investigation of crime. The participants focused on the identification of items involved in the commission of crime pertaining to CSG fraud. Although the responses of the two sets of participants were phrased differently, the gist of their submissions is that identification is a value of *modus operandi* information in CSG fraud investigation.

Identification is based on the principle that everything in the world has its own particular distinguishing class characteristics (Fisher, 2004:5). Identification is an analytical classification process by which objects and/or subjects with similar properties are placed into a category or group because they share a common source. Identification is carried out with the intention to establish the fact that an item belongs to a class, group or design features of an item with a focus on aiding the investigation (Jackson & Jackson, 2004:339). Similarly, Bennett and Hess (2004:97) and Berning (2008:47) emphasise that class or group characteristics are features that place objects in a specific category or characteristics of physical evidence that are common to a group.

Identification in the CSG fraud investigation context is conducted by pinpointing the composition of an item and using these composition



characteristics to place the item in a predefined category with other items to aid the investigation. This means that investigators have to identify disputed documents that were used in the commission of crime. Once the documents in question have been identified, the investigators will take the investigation further by assigning them to a particular group of perpetrators, who use a similar method of operation in committing the crimes. Thus, identifying the evidence positively will provide for identification of the questioned evidence. However, this is done by leaving evidence of the perpetrator's behaviour at the scene of incidents to reach an accurate conclusion that the perpetrator is a similar serial offender or a new perpetrator. By so doing, the investigator will be in a position to link a specific incident based on the characteristics of the perpetrator's *modus operandi*.

After interpreting the participants' responses and the literature, the researcher reached the conclusion that one of the values of *modus operandi* information is identification. Identification in CSG fraud is restricted to describing the appearance and/or composition of an item and using the characteristics of the item to place the item in a group with other items for investigation purposes. Practically, this means identifying a particular object or subject involved in the commission of a crime without doing any testing. Although identifying the object involved in the crime does not conclusively link the perpetrator to the crime, it is important to note that it will assist in making it possible for the next step of investigative analysis, which is individualisation, to take place. The basis for this argument is that in CSG fraud investigation there is a possibility that the investigator will need to identify the disputed application forms and subsequently establish the identity of the person who filled in the application forms by accurately drawing an informed conclusion based on similar repeat offender characteristics to link the perpetrator to the crime, thereby effecting identification.

The offender characteristics are obtained by conducting an assessment on the crime scene through deductive reasoning. It is therefore a preliminary conclusion of this research that proper analysis of *modus operandi* information in CSG fraud investigation can lead to a positive identification of the objects or subject involved in the commission of CSG fraud. This therefore means that *modus operandi* makes identification possible in CSG fraud investigation as perpetrators can be identified by their similar characteristics in a series of crimes.

### **3.4.2 Individualisation**

The principle of investigation maintains that the individualisation process as a value of *modus operandi* is only possible after a series of identifications has been made on the objects. Individualisation involves the comparison of disputed objects that are found at a crime scene with the ones of known origin. In CSG fraud investigation, individualisation is conducted on the disputed grant-application documents to confirm beyond a reasonable doubt that they were signed and filled in by the perpetrator and no other person.

Similar to the previous question, the participants in Sample A were asked how individualisation is a value of *modus operandi* information in CSG fraud. Sample B participants were excluded from questioning as they have not investigated CSG fraud cases before. Sample A participants responded as follows:

- One participant said *modus operandi* makes individualisation possible if suspects used the same weapon in the same manner over and over again;
- One participant stated that crime scene set-up information can assist to individualise a suspect and the instrument used;

- Two participants said *modus operandi* assists in grouping items or people in their class to facilitate identification and individualisation;
- Three participants mentioned that *modus operandi* assists in eliminating the items or people from one another and by so doing fostering individualisation of the items or people; and
- Three participants said the identified documents in dispute are individualised to associate the specific items and/or suspects involved in the commission of crime.

The responses of the 10 participants to a large extent seemed to correspond with each other. There seemed to be a common view expressed in the responses of the participants that individualisation is a value of *modus operandi* as items can be singled out based on their peculiarities and characteristics. It is a known fact that some criminals utilise items or instruments when they commit crime. They further utilise similar styles and signatures at the crime scene. Therefore, based on *modus operandi* information analysis, the perpetrator can be individualised and linked to the crime. This scenario is also true in the commission of CSG fraud because there are documents involved, such as proof of address and bank statements.

The overall aim of individualisation is to individualise different disputed objects positively and to indicate the involvement of the object that conclusively provides the standard of comparison (Van der Westhuizen, 1996:6; SASSA, 2010b:7). These submissions are consistent with the submissions of Van Rooyen (2004:12), who confirms that the two aims of individualisation are positive individualisation and the indication of the involvement of a particular object.

During the individualisation process, the evidence with individual characteristics can be positively individualised with a high degree of probability as originating from the specific source only (Swanson, Chamelin & Territo, 2003:68). In addition, Lee, Palmbach and Miller (2007:183-184) confirm that the individualisation process relies on a comparison testing of a minimum of two items. It demonstrates that a questioned piece of physical evidence and a known sample have a common origin by revealing the individuality and uniqueness of an item through examination to show that no other item is exactly like the one in question (Newburn, Williamson & Wright, 2009:665; Girard, 2008:13-14). The general interpretation of the literature on individualisation is therefore that the overarching purpose of individualisation is to implicate objects or subjects in or eliminate them from enquiries (Bell, 2008:79-80).

The interpretation of the participants' responses and the literature suggests that one of the values of *modus operandi* information is that it allows individualisation, which is characterised by two main aims. These aims, which are individualising a particular object and indicating the involvement of the object that provides a measuring standard, can be important aspects to be established during the investigation of CSG fraud. The reason for this argument is that, in CSG fraud, there is a possibility that the investigators will need to establish the identity of the person who filled in the application forms. In addition, the investigators may also be required to individualise the objects of investigation such as documentary proof that accompanied the application for the CSG. However, it is worth noting that individualisation can only be complete and useful in the investigation of CSG fraud when the object in dispute and the standard of comparison have the same origin. For instance, it is through individualisation that the investigation can confirm that the handwriting that was used when filling in the application form, the

signature on the application or fingerprints that were found are those of a specific perpetrator and no other.

It is therefore a preliminary conclusion of this study that a proper analysis of the *modus operandi* information in CSG fraud investigation can lead to a positive individualisation of both the people and the objects involved in the commission of such a crime. This therefore means that individualisation can be a valuable instrument in implicating or eliminating the objects or the people suspected of being involved in the commission of CSG fraud.

### **3.4.3 Profiling of offenders**

According to Canter and Youngs (2009:6-7), offender profiling is motivated by the notion that perpetrators' behaviour reflects their personality. Offender profiling as a value of *modus operandi* assists the investigation to comprehend the characteristics of the perpetrator by prioritising a list of likely perpetrators for investigation purposes. The profilers of offenders will attempt to determine the kind of perpetrator who has already committed CSG fraud or will commit it in the future.

The question posed to Sample A participants was: How is offender profiling a value of *modus operandi* information in CSG fraud investigation? Given that Sample B participants are not investigators, they were not asked to respond to this question. Sample A participants responded as follows:

- Three participants said that by *modus operandi* information leads, the investigator is able to profile the perpetrators based on their characteristics;

- Five participants said by knowing the *modus operandi* of suspects, the investigator can conveniently categorise the likely offenders;
- Two participants said by knowing *modus operandi* information, this can assist in obtaining the suspects' personal information (such as age group, skills level and motive, amongst others) to shorten the investigation length and process; and
- One participant said *modus operandi* information makes the forecasting of a likely perpetrator possible through studying a suspect's crime scene habits and personalisation.

The outcomes of the 10 participants' feedback are complementary as they said that *modus operandi* information can assist to profile perpetrators, classify the likely perpetrators and assist in obtaining a suspect's personal information to shorten the investigation length. The meaning derived from the participants suggests that *modus operandi* information makes offender profiling possible in CSG fraud investigation. The foregoing deductions further confirm that the *modus operandi* is valuable in conducting offender profiling in CSG fraud investigation. Although the responses of the participants were phrased differently, the general sense that was created by them is that when *modus operandi* information is used scientifically and correctly, offender profiling can be completed through the incorporation of the characteristics of the suspects and the state in which they leave the crime scene.

Devery (2010:393) asserts that at the heart of offender profiling is the belief that the trademarks of perpetrators can be deduced by carefully examining their characteristics. In conducting profiling, all the available information about a crime, a crime scene and a victim are analysed to compile a profile of an unknown perpetrator (Dempsey, 2003:285). In line with the above, Monckton-Smith et al.

(2013:137) and Godwin (2001:23) emphasise that offender profiling as a value of *modus operandi* is a forensic investigation technique that provides the investigator with specific information which will point to the personality traits that are similar to those of perpetrators who have committed correlative crimes.

In conducting offender profiling, *modus operandi* information is analysed to obtain personal information and some of the perpetrator's personality traits and psychological elements. This helps create an offender profile, which is subsequently formulated into a written report to assist with investigation (Turvey, 2012:122). Monckton-Smith et al. (2013:136) and Palermo and Kocsis (2004:viii) describe a profile as a list consisting of the common characteristics of perpetrators who are engaged in criminal activity. However, Holmes and Holmes (2002:15) and Snoek et al. (2008:1259) argue that an offender profile at the disposal of the investigator is not scientific evidence and cannot be used as empirical evidence in court. This is a similar sentiment to that expressed by Kocsis (2007:249) and Canter and Alison (1999:43), who argue that offender profiling is founded on generalities and inadmissible hearsay, which may introduce prejudices into the evidence.

The majority of participants' views and the literature show some convergence of ideas on the concept of offender profiling as a value of *modus operandi*. The common themes that were established by the majority of the sources were that offender profiling is possible through analysis of *modus operandi*. The information from *modus operandi* has the potential to contribute to the investigation by assisting to obtain perpetrators' personal information. This can also serve as a predictive resource that will direct the investigation to the correct perpetrator, which includes assisting to develop a profile of a CSG fraudster to solve crime.

The literature also revealed some of the disadvantages of using offender profiling in investigation, such as having the potential of introducing bias and hearsay to the evidence, thereby affecting the investigation and posing a threat to the integrity of the evidence. Although these disadvantages are alluded to, no conclusion is reached by any of the authors that offender profiling is completely useless in investigation. These disadvantages can be seen as precautions that need to be observed each time the investigators intend to employ offender profiles in their investigations. It can still be concluded, though, that one of the values of *modus operandi* information is offender profiling, which can be instrumental in the investigation of CSG fraud if the warnings provided are heeded.

#### **3.4.4 Comparison with unsolved cases**

An ideal objective of the investigator is to establish a linkage between multiple factors through the use of information and traits (Birzer & Robertson, 2012:84). Investigators should not think that unsolved cases are no longer of any use in the investigation process. In this instance, comparison with unsolved cases refers to a process in which investigators look at the similarities and differences between the cases that they are currently investigating and those that were closed as undetected or unsolved. In the CSG fraud environment, drawing an inference from evidence in the not-yet-solved cases assists in solving the crime under investigation.

The question posed to Sample A participants was: How is comparison with unsolved cases a value of *modus operandi* information in CSG fraud investigation? Sample B participants were excluded for the reason that the question can only be answered by investigators as they were trained in investigation. Sample A participants responded as follows:



- Three participants said by analysing *modus operandi* information, the leads that are found can be developed to assist in linking the perpetrators to new or old unsolved cases;
- Three participants said *modus operandi* information in other crimes may be unrelated to the latest CSG fraud crimes, thereby rendering it useless;
- One participant said information from a *modus operandi* database cannot be utilised effectively in unsolved cases as they are different cases with varying attributes; and
- Three participants said *modus operandi* information can be used successfully to compare with information from unsolved cases with the intention to establish similar facts and provide information in court.

Four of the participants said comparison with unsolved cases as a value of *modus operandi* does not offer any assistance in the investigation of CSG fraud. These responses are not entirely problematic for this study because other participants hold a differing view. The information found in the literature studied is used later to clarify the differences in the responses of the research participants. The responses of the other six participants seemed to be complementary in that they all said that comparison with unsolved cases is a value of *modus operandi* in CSG fraud investigation as it can assist in linking cases and in providing similar fact evidence.

As a crucial aid in investigation, comparison of an arrested offender's *modus operandi* information with *modus operandi* information that is evident in unsolved cases could assist the development of investigative leads (Devery, 2010:393). This development of investigative leads is achieved by communicating the outcomes of the cases to investigators to follow the leads to maximise evidence and trace the perpetrators (Devery, 2010:394). In most cases, the leads that are discovered and used in unsolved cases can amount to the

*modus operandi* and traits of the perpetrator. As a result, *modus operandi* information is instrumental in linking perpetrators to crimes in order to clear the unsolved cases together with the latest ones (USA. Department of the Treasury, 2011:1). However, Petherick (2009:59-60) argues that solving crime through the use of comparison with unsolved cases is fraught with problems such as inaccurate information recording and recording of unverified information instead of facts, which may not assist with the investigation.

The interpretation of the participants' responses and the literature indicates that comparison with unsolved cases by employing *modus operandi* information can be a successful investigation technique. The majority of authors and participants are of the opinion that comparison with unsolved cases is a value of *modus operandi* in CSG fraud cases. The reason for this argument is that, in CSG fraud, the latest *modus operandi* information of new cases can be compared with old cases that contain similar *modus operandi* and can be used in resolving the crimes. However, it is worth noting that comparison with unsolved cases can only be complete and useful in the investigation of CSG fraud when the common crime features of these unsolved cases have correlations with the latest cases. For instance, in the investigation of CSG fraud, handwriting and signature clues and personal incriminating documents that appear identical to the old cases can be compared and analysed to confirm the suspect. A preliminary conclusion can be drawn that comparison with unsolved cases is a value of *modus operandi* information in CSG fraud investigation.

### **3.4.5 Case linkage**

Case linkage, which is sometimes called "comparative case analysis", refers to the process of determining whether there are likely connections between unrelated cases through crime scene information

analysis (Petherick, 2009:60). The underlying fact about case linkage is that it is based on opinions as opposed to a probative link, which is strictly based on facts. However, the benefit of case linkage is that it can connect a perpetrator to multitudes of crimes through *modus operandi* information. As in CSG fraud investigation, the cases that show similarities in crime features, perpetrators and *modus operandi* are linked together to assist in solving the crime under investigation.

As with the previous sub-topic, only Sample A participants were asked: How is case linkage a value of *modus operandi* information in CSG fraud investigation? Sample B participants were not asked this question as they are not investigators. Sample A participants responded as follows:

- Five participants said *modus operandi* information that is identical across more than one crime can be analysed and used to link the cases as well as perpetrators successfully;
- One participant said *modus operandi* information does not enable case linkage but it can channel the investigation to the wrong perpetrator and misguide the investigation completely; and
- Four participants said by comparing crime features and *modus operandi* information, cases that are similar can be linked together and their information studied to assist in speeding up the investigation.

The outcomes of nine participants' responses are complementary in that they all explained how case linkage is a value of *modus operandi* information in CSG fraud investigation. *Modus operandi* information and crime features that are identical across various crimes that were committed can be compared to link the perpetrators to the crimes. The meaning that is derived from the responses relates to the indication that *modus operandi* can effect case linkage in CSG fraud investigation. The above deduction further confirms that *modus*

*operandi* is valuable in case linkage in CSG fraud investigation. Although the response by one participant did not support the use of *modus operandi* in conducting case linkage, the information will be made clearer when literature is interwoven with participants' submission.

Case linkage is based on the identity argument that the similarities in *modus operandi* between two or more crimes or cases result in a high probability that two crimes with such similarities were both committed by the same perpetrator because of similar behaviour in crime features (Wizinsky, 2011:327; Westphal, 2009:12). The case linkage process is conducted by establishing and analysing *modus operandi* and signature behaviours across the crimes or cases under investigation to come up with leads that assist to link up cases and speedily resolve crime (Daffern, Jones & Shine, 2010:9; Turvey, 2008:309). Effective case linkage examines the surrounding information of the crime, such as behavioural information, to come to the conclusion that the crimes were committed by the common perpetrator (Monckton-Smith et al., 2013:146; Risinger, Michael, Loop & Jeffrey, 2006:2). According to Kocsis (2007:118), the underlying value of *modus operandi* is that it makes case linkage progressive as several similar crimes that were committed are linked to form a series and presented in legal proceedings as similar fact evidence.

The participants' responses and the literature were analysed and it became clear that one of the values of *modus operandi* information is its use in case linkage. Case linkage assists in directing the investigation of CSG fraud by linking various cases based on their similarities in *modus operandi*, attributes and other related variables. The use of *modus operandi* information in linking up the crimes that were committed by one perpetrator cannot be over emphasised. The two major objectives of case linkage are the connecting of

perpetrators to the crimes and the clearance of case dockets. It is therefore a preliminary conclusion of this research that through reliable *modus operandi* information, similar attributes can be picked up and connected to other cases. This means that *modus operandi* can be a vital technique for enabling case linkage in CSG fraud investigation.

### **3.5 SUMMARY**

*Modus operandi* that was scientifically collected is admissible in court as similar fact evidence. The major purpose of *modus operandi* outcomes is to attempt to link cases to a perpetrator through crime and crime scene information by utilising the perpetrator's characteristics, traits and peculiar attributes. As most perpetrators try to conceal their identity, the use of *modus operandi* information, offender profiling and case linkage in CSG fraud investigation has proven in many instances to be a successful investigative linking aid. This assists the investigator to prove that the same perpetrator has used the same technique in a repetitive fashion in committing other related crimes. A profile of the offender can inform investigators about the type of perpetrator who is likely to commit CSG fraud in the future. This chapter also established that the techniques of identification and individualisation complement each other in forensic investigation. The next chapter presents the findings and recommendations of this study.

## **CHAPTER FOUR: RESEARCH FINDINGS AND RECOMMENDATIONS**

### **4.1 INTRODUCTION**

All research is conducted with the purpose of coming up with the findings and recommendations envisioned to answer the research questions and address the issues that were raised in the problem statement (Cooper & Schindler, 2003:87-88; Mouton & Marais, 1990:192). The findings are upshots of the research and the recommendations are suggestions for exploring, improving and addressing the shortcomings identified in the research (Creswell, 2009:201; Mouton, 2003:56; Denscombe, 2002:27).

The primary aim of this study was to evaluate the value of *modus operandi* information in the investigation of CSG fraud in the CoJ regions, South Africa. To address the above aim, the researcher asked two primary research questions: What is *modus operandi* in relation to the investigation of CSG fraud? and What is the value of *modus operandi* in the investigation of CSG fraud? The research was guided by two objectives. The first objective was to examine the *modus operandi* used by civil servants in accessing CSGs. The second objective was to establish the value of *modus operandi* in investigating cases of CSG fraud. As a result of data collected from Samples A and B as well as national and international literature sources, this study concludes with a reflection on the findings and makes recommendations on the basis of these findings.

In this chapter, the interpretation of the data is presented and discussed in relation to the research questions to indicate the attainment of the objectives of this study.

The researcher arranged the findings according to identified themes and emphasised the prominent issues that were discussed by participants and/or discussed in the literature. Each finding is presented and followed by the recommendations that relate to that finding.

## **4.2 FINDINGS AND RECOMMENDATIONS**

The findings are presented individually and in accordance with the research questions as indicated in the introduction. The findings are discussed comprehensively and include the implications for the forensic investigation fraternity in South Africa and the other areas pertinent to CSG fraud and its investigation.

### **4.2.1 The meaning of *modus operandi* in investigation of Child Support Grant fraud**

In terms of the meaning of *modus operandi* in the context of CSG fraud, by analysing the participants' responses and the literature it was found that *modus operandi* is the characteristic way in which a perpetrator commits a specific crime. This involves a combination of behavioural habits and techniques that a perpetrator employs in committing crime. The behavioural habits can be replicated in the commission of further crimes. However, *modus operandi* can also be modified by the criminal as time passes, depending on the target and crime situational factors.

*Modus operandi* information is inadvertently deposited at the crime scene during the commission of crime. *Modus operandi* information can be studied from documents and patterns of similar information and from inconsistencies of information that are found at the crime scene. In CSG fraud, the documents involved in the commission of crime are regarded as the crime scene, which is not necessarily a

physical location where crime took place. It was therefore found that *modus operandi* develops as a result of the perpetrators' inputs at the crime scene. These inputs include the manner in which the crime is committed, the tools used in the commission of the offence and, in this case, the documents submitted, behavioural habits and techniques used.

It was found that the *modus operandi* that are frequently used in CSG fraud are the falsification of documents, inside job assistance and computer hacking. It follows that CSG fraud involves the misrepresentation of information and withholding of critical information that will have a bearing on the decision to award social grants to a particular applicant. To this end, the investigators of CSG fraud examine disputed documents and reliable crime information. Through crime information analysis, CSG fraud red flags can be picked up and these can assist in prevention and investigation of this crime. The SAPS, the SIU and the forensic investigators attached to SASSA are empowered by legislation to investigate cases of CSG fraud in South Africa. Although this mandate could have been given solely to the SAPS by the Constitution, there is other legislation that mandates these other agencies to investigate these transgressions.

#### **4.2.2 Recommendations**

Since it has been established how *modus operandi* develops in the case of CSG fraud, it is recommended that investigators pay attention to details when investigating cases of CSG fraud. This should be done especially in cases that are repeated over and over again or that continue to show similar trends although committed in different times and jurisdictions. This means that investigators should look at the peculiarities of the current case and establish whether the manner in which it was committed is similar to any previous cases, with the intention of obtaining investigative leads. With regard to CSG fraud,



investigative leads, which are often found in disputed documents, must be examined properly so as to determine a need for further investigation.

It is recommended that investigators glean information from documents as they are regarded as a crime scene in the case of fraud or other misrepresentations. In addition, the researcher proposes that CSG fraudster *modus operandi* information that is reliable should not be overlooked but should be properly captured in case dockets and SAPS CAS system. The SAPS CAS system and SOCPEN databases should be used as reference databases for comparing the *modus operandi* information of known CSG fraudsters or that of cases spanning a specific period of time. Proper capturing of *modus operandi* will assist in revealing CSG fraud red flags, which can assist in preventing and sometimes expediting the investigation of CSG fraud.

It is recommended that investigators should be made aware that in South Africa the only institutions that are mandated to investigate social grant fraud are the SAPS, SIU and SASSA. It is proposed that the training curriculum of investigators involved in investigation of CSG fraud should include information on the *modus operandi* used in CSG fraud, such as falsification of documents, computer hacking and collusion with civil servants.

#### **4.2.3 The value of *modus operandi* in investigation of Child Support Grant fraud**

The second research question of this study endeavoured to establish what the value of *modus operandi* is in the investigation of CSGs. *Modus operandi* analysis is a direct method of suspect identification based on the principle that many offenders tend to use the same *modus operandi* when committing crimes. This is premised on the fact

that criminals use items or instruments when they commit crime; therefore, based on *modus operandi* information analysis, the perpetrator can further be individualised and linked to the crime under investigation. *Modus operandi* information can make identification possible by placing items or an instrument in a specific category. It was established that *modus operandi* can be used for predicting and classifying perpetrators and in this way for expediting the investigation. Expedition of investigation as a value of *modus operandi* is tallied with the finding that the analysis of *modus operandi* information can shorten the investigation as it is likely to point to a smaller number of suspects. This can also assist when investigation resources are allocated.

Other benefits of *modus operandi* are that it makes individualisation possible as items that are subjects of investigation can be singled out based on their peculiarities and characteristics and linked to a specific perpetrator. *Modus operandi* is valuable as the common behavioural elements are unique crime features and characteristics that can assist in effecting perpetrator linkage. This means that *modus operandi* information and crime features that are identical across the various crimes that were committed can be compared to link the perpetrators to the crimes, thus effecting case linkage.

It was also found that *modus operandi* can enhance the quality of evidence without necessarily acting as evidence in a court of law. It was also revealed that *modus operandi* information can be used as evidence in a court of law and is admitted under similar fact evidence. However, it was pointed that *modus operandi* information should be seen as an investigative aid and not as evidence in a court of law. The chances of proving a similar fact in court are not always easily achievable, although they remain possible.

#### 4.2.4 Recommendations

The above findings highlight the value of *modus operandi* in CSG fraud investigation. As a result, it is proposed that investigators should make use of *modus operandi* in investigating cases of CSG fraud. Investigators should be made aware through training interventions that *modus operandi* is admissible in the South African courts and can be used to convict an accused involved in CSG fraud. A proposal is made that investigators of CSG fraud be alerted to what *modus operandi* can reveal and how it can assist in the investigation of these crimes. Although there is a cautionary rule about the usage of *modus operandi* information, investigators should investigate cases knowing that it is possible to use *modus operandi* information to convince a court.

It is proposed that investigators make use of a probative link to solve cases of CSG fraud. A probative link is one of the outcomes of *modus operandi* information analysis. It is valuable in CSG fraud investigation as the requisite unique perpetrator behaviours without dissimilarities can be assigned to a particular perpetrator. It is therefore the recommendation of the researcher that the results of the *modus operandi* analysis be made available to the courts as this can assist the courts to draw inferences and conclude cases of CSG fraud.

It is further proposed that a *modus operandi* guidelines document be crafted by the SAPS detective division at national level to monitor compliance with investigation procedures in the investigation of CSG fraud. Another proposal is that investigators should be provided with frequent training on the principles of law of evidence and admissibility of information. It is recommended that training materials in the SAPS basic training, detective training and specialised commercial crimes training programmes should include more information on how to utilise *modus operandi* in the

investigation of fraud. It would be prudent to emphasise the value of *modus operandi* in investigation so that investigators are aware of the reasons that *modus operandi* analysis should be conducted.

#### **4.3 FURTHER RESEARCH**

This study could not cover all the aspects relating to social assistance offered by the government to its indigent citizens. Although there are many grants that are offered by government, the scope of this research was limited to those grants given to children. Owing to the different dynamics associated with different types of grants, such as the age of the recipients, the reasons for such a grant and the medical status of the recipients, this study cannot generalise the value of *modus operandi* in investigating CSG fraud to all other types of grants. A further study is therefore proposed to look particularly at *modus operandi* used in committing fraud in the context of care dependency grants, foster care grants, disability grants and grants for social relief of distress. This is because the applicants of these grants make use of documents to apply for them. It is the view of the researcher that the *modus operandi* in committing fraud related to these social grants may overlap with the *modus operandi* used in committing CSG fraud, although this cannot be concluded on face value. It is therefore envisaged that further research in a different setting and context may reveal a differing pattern or confirm the similarities between these patterns.

#### **4.4 CONCLUSION**

The study clarified what *modus operandi* information in relation to CSG fraud is and further explored the value of *modus operandi* information in the investigation of CSG fraud in the CoJ regions of the Gauteng Province in South Africa. This research enquiry focuses

on the law enforcement fraternity as it concerns how investigators should investigate CSG fraud.

The study was limited to the CoJ regions as it is a jurisdiction in which this crime is predominantly committed and is also regarded as the main hub of Gauteng Province that has high numbers of CSG applicants as well as perpetrators. The study is located in the empirical design paradigm and the researcher used qualitative methods to gather data from the participants and from relevant literature. At the beginning of this study, the researcher crafted questions that related to *modus operandi* and the value of *modus operandi* in the investigation of CSG fraud. To this end, data was particularly collected from SAPS investigators who are responsible for investigating this crime. In addition, public servants who were previously convicted of unlawfully receiving CSGs were also included in the sources of research data. It was the researcher's belief that these research participants possessed information pertinent to this study and that they would be able to answer the questions posed to them.

It was because the researcher realised that the people who defraud SASSA use different methods to do so that the researcher endeavoured to analyse the *modus operandi* they use. It was envisaged that the findings regarding the specific *modus operandi* and the recommendations made by the researcher can contribute to establishing best practices for investigating cases of CSG fraud. It is through these best practices and other information discovered in this study that investigators can start using *modus operandi* information effectively, especially in cases of CSG fraud.

Although the statistics regarding the perpetration of CSG fraud cannot be regarded as accurate as the numbers of grant applicants keep on fluctuating on daily basis, they serve the purpose of

establishing that CSG fraud is a reality and that it continues to rob those who legitimately deserve this support. This means that the statistics cannot be seen as a true reflection of how many cases of CSG fraud the authorities have to contend with. This problem is exacerbated by the fact that the SOCPEN system used by SASSA is not yet fit for purpose. In addition, this study established that dealing with CSG fraud needs both a proactive and a reactive approach. While investigation can be used successfully to pursue those who have committed the offence already, there is a dire need for SASSA officials to be able to detect suspicious or fraudulent application as early as possible. It is through this preventative approach that money will not be lost before an investigation is conducted.

It is concluded that, although South Africa has effective legislation that can be used by investigators to fight this crime effectively, the challenge that remains is that some investigators lack the necessary skills and training to conduct CSG fraud investigation. Since CSG fraud can be multi-dimensional and complex in nature, investigators require specialised skills, expertise, insights and insider information to be able to deal with this crime. CSG fraud needs to be investigated by making use of multi-pronged approaches that are more advanced than those used by perpetrators as this will assist in winning the war against CSG fraud. As indicated earlier, if CSG fraud is not properly investigated it is likely to cost SASSA millions of Rands annually and this is likely to make the social grant system unsustainable.

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## **Interviews**

### **Sample A participants (1-10) [Investigators]:**

Participant 01, Fraud Investigator of Commercial crimes. 2012.  
*Statement to author*, 06 D ecember 2010 and 05 A pril 2012.  
Johannesburg.

Participant 02, Fraud Investigator of Commercial crimes. 2012.  
*Statement to author*, 06 D ecember 2010 and 11 A pril 2012.  
Johannesburg.

Participant 03, Fraud Investigator of Commercial crimes. 2012.  
*Statement to author*, 06 D ecember 2010 and 11 A pril 2012.  
Johannesburg.

Participant 04, Fraud Investigator of Commercial crimes. 2012.  
*Statement to author*, 06 D ecember 2010 and 11 A pril 2012.  
Johannesburg.

Participant 05, Fraud Investigator of Commercial crimes. 2012.  
*Statement to author*, 06 D ecember 2010 and 13 A pril 2012.  
Johannesburg.

Participant 06, Fraud Investigator of Commercial crimes. 2012.  
*Statement to author*, 07 D ecember 2010 and 13 A pril 2012.  
Johannesburg.

Participant 07, Fraud Investigator of Commercial crimes. 2012.  
*Statement to author*, 07 D ecember 2010 and 13 A pril 2012.  
Johannesburg.

Participant 08, Fraud Investigator of Commercial crimes. 2012.  
*Statement to author*, 07 D ecember 2010 and 17 A pril 2012.  
Johannesburg.



Participant 09, Fraud Investigator of Commercial crimes. 2012.  
*Statement to author*, 07 December 2010 and 17 April 2012.  
Johannesburg.

Participant 10, Fraud Investigator of Commercial crimes. 2012.  
*Statement to author*, 07 December 2010 and 17 April 2012.  
Johannesburg.

**Sample B participants (1-10) [Civil servants]:**

Participant 01, Civil Servant from DOE in the CoJ regions. 2012.  
*Statement to author*, 22 November 2010 and 12 April 2012.  
Johannesburg.

Participant 02, Civil Servant from GDOE in the CoJ regions. 2012.  
*Statement to author*, 22 November 2010 and 12 April 2012.  
Johannesburg.

Participant 03, Civil Servant from GDOE in the CoJ regions. 2012.  
*Statement to author*, 22 November 2010 and 12 April 2012.  
Johannesburg.

Participant 04, Civil Servant from GDOE in the CoJ regions. 2012.  
*Statement to author*, 22 November 2010 and 12 April 2012.  
Johannesburg.

Participant 05, Civil Servant from GDOE in the CoJ regions. 2012.  
*Statement to author*, 22 November 2010 and 19 April 2012.  
Johannesburg.

Participant 06, Civil Servant from GDOE in the CoJ regions. 2012.  
*Statement to author*, 9 December 2010 and 19 April 2012.  
Johannesburg.

Participant 07, Civil Servant from GDOE in the CoJ regions. 2012.  
*Statement to author*, 9 December 2010 and 19 April 2012.  
Johannesburg.

Participant 08, Civil Servant from GDOE in the CoJ regions. 2012.  
*Statement to author*, 9 December 2010 and 20 April 2012. Johannesburg.

Participant 09, Civil Servant from GDOE in the CoJ regions. 2012.  
*Statement to author*, 23 November 2010 and 20 April 2012.  
Johannesburg.

Participant 10, Civil Servant from GDOE in the CoJ regions. 2012.  
*Statement to author*, 23 November 2010 and 20 April 2012.  
Johannesburg.

**APPENDIX A**

**-INTERVIEWS WITH INVESTIGATORS-**

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## **INTERVIEWS WITH INVESTIGATORS**

Participants A1

### **RESEARCH-INTERVIEW SCHEDULE FOR INVESTIGATORS**

#### **The value of *modus operandi* in investigating child support grant fraud**

#### **CONFIDENTIALITY**

You are NOT REQUIRED to give your name in this interview. Your name will also not appear in any other report and the researcher guarantees your anonymity. In addition all other personal information will be kept confidential. Your identity will in no way be detectable from the research results. The analysed and processed data (statistics) will be published in a research report.

Written permission has been obtained from the South African Police Services in advance for the interviews to be conducted. The researcher is bound to his assurances and guarantees by the ethics code for research at UNISA.

#### **GENERAL**

Only one answer per question is required. Your answers will be written on the interview schedule sheet by the interviewer. Should any question or statement be unclear to you, please ask the interviewer to explain it to you.

When answering the questions it is very important to give your own opinion and to provide accurate facts.

Since my research interest is on the value of *modus operandi* in investigating CSG fraud, as the interview progresses you should be able to see why I am asking most of the questions that follow. If not, you can ask for an explanation, and I will to explain, although it may not be until we have finished the interview because it is very important that we finish in the time we have available. Also, if you have other information that you think is important that I don't ask about, please tell me. Please take note that CSG is referred to as CSG and all the questions relating to fraud are linked to CSG fraud.

The last thing I would like to say before we get started is to remind you that you have the right to refuse to answer any particular question, although I would

appreciate your telling me why if there's anything you don't want to answer. Do you have any questions now?

**1. BACKGROUND INFORMATION**

1.1. What kind of work do you perform?

-----

1.2. What is your (Police) rank?

-----

1.3. What is your educational qualification?

-----

1.4. What crime investigation skills and experience do you possess?

-----

1.5. Number of years as fraud investigator?

-----

1.6. Did you attend detective training?

-----

1.7. Did you receive training related to fraud investigations?

(Yes/No).

-----

1.8 If the answer to 1.7 is yes, then describe the type of training received.

-----

**2. MODUS OPERANDI IN RELATION TO INVESTIGATION OF CHILD SUPPORT GRANT FRAUD.**

2.1 What is the meaning *modus operandi* in CSG fraud?

-----

2.2 How does *modus operandi* develop in CSG fraud?

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- 2.3 What is the profile of CSG fraudsters?  
-----
- 2.4 What is the role of *modus operandi* in CSG fraud investigation?  
-----
- 2.5 What are the elements of *modus operandi*?  
-----
- 2.6 What are the factors determining *modus operandi*?  
-----
- 2.7 What are the commonly used *modus operandi* in CSG fraud?  
-----
- 2.8 How are documents used in CSG fraud falsified?  
-----
- 2.9 How is inside job in CSG fraud carried out?  
-----
- 2.10 What is computer hacking in CSG fraud?  
-----
- 2.11 How is computer hacking done in CSG fraud?  
-----
- 2.12 How do you collect and handle electronic evidence in CSG fraud?  
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- 2.13 How is CSG fraud investigated?  
-----
- 2.14 What are the phases of CSG fraud investigation?  
-----
- 2.15 What is the importance of physical evidence in CSG fraud investigation?  
-----
- 2.16 What is documentary evidence in CSG fraud investigation?  
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2.17 What are the skills of a CSG fraud investigator?

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2.18 Who has a mandate to investigate CSG fraud in South Africa?

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2.19 Does SASSA have legislation that authorises it to conduct investigation of CSG fraud?

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2.20 What is the role of a crime scene in CSG fraud investigation?

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2.21 What is the role of witnesses in CSG fraud investigation?

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2.22 What is the importance of crime information analysis in CSG fraud investigation?

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### **3. THE VALUE OF *MODUS OPERANDI* INFORMATION IN THE INVESTIGATION OF CHILD SUPPORT GRANT FRAUD**

3.1 What is the admissibility requirement of *modus operandi* in CSG fraud?

-----

3.2 What are the values of *modus operandi* in CSG fraud?

-----

3.3 What are the outcomes of *modus operandi*?

-----

3.4 What does an investigative linkage in CSG fraud investigation entail?

-----

3.5 What are behavioural commonalities in CSG fraud?

-----

3.6 How is probative link as an outcome of *modus operandi* information analysis utilised in CSG fraud investigation?

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3.7 What is the value of *modus operandi* in CSG fraud?

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3.8 How is identification a value of *modus operandi* in CSG fraud?

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3.9 How is individualisation a value of *modus operandi* information in CSG fraud?

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3.10 How is offender profiling a value of *modus operandi* information analysis?

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3.11 How is profiling conducted in CSG fraud?

-----

3.12 How is comparison with unsolved cases a value of *modus operandi* in CSG fraud?

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3.13 How is case linkage a value of *modus operandi* in CSG fraud?

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3.14 Can the investigator rely on pattern in court to link the suspect to a particular crime?

-----

3.15 What are the loopholes in the CSG fraud system that make the commission of fraud possible?

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3.16 What is the motive of CSG fraudsters?

-----

3.17 What is the value of offender profiling in CSG fraud investigation?



## **APPENDIX B**

### **-INTERVIEWS WITH CIVIL SERVANTS-**

## INTERVIEWS WITH CIVIL SERVANTS

Participants B1

### RESEARCH-INTERVIEW SCHEDULE FOR CIVIL SERVANTS

#### **The value of *modus operandi* in investigating child support grant fraud.**

#### CONFIDENTIALITY

You are NOT REQUIRED to give your name in this interview. Your name will also not appear in any other report and the researcher guarantees your anonymity. In addition all other personal information will be kept confidential. Your identity will in no way be detectable from the research results. The analysed and processed data (statistics) will be published in a research report.

You have given consent in advance to the researcher for the interviews to be conducted with you. The researcher is bound to his assurances and guarantees by the ethics code for research at UNISA.

#### GENERAL

Only one answer per question is required. Your answers will be written on the interview schedule sheet by the interviewer. Should any question or statement be unclear to you, please ask the interviewer to explain it to you.

When answering the questions it is very important to give your own opinion and to provide accurate facts.

Since my research interest is on the value of *modus operandi* in investigating CSG fraud, as the interview progresses you should be able to see why I am asking most of the questions that follow. If not, you can ask for an explanation, and I will explain, although it may not be until we have finished the interview because it is very important that we finish in the time we have available. Also, if you have other information that you think is important that I don't ask about, please tell me. Please take note that CSG is referred to as CSG and all questions relating to fraud are linked to CSG fraud.

The last thing I would like to say before we get started is to remind you that you have the right to refuse to answer any particular question, although I would

appreciate your telling me why if there's anything you don't want to answer. Do you have any questions now?

**1. BACKGROUND INFORMATION**

1.1 What kind of work do you perform?

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1.2 What is your educational qualification?

-----

1.3 Number of years working for the Government (Department of Basic Education).

-----

1.4 How many children do you have?

-----

**2. MODUS OPERANDI IN RELATION TO INVESTIGATION OF CHILD SUPPORT GRANT FRAUD**

2.1 What is CSG?

-----

2.2 What do you understand about CSG fraud?

-----

2.3 How does CSG fraud manifest?

-----

2.4 How did you get yourself registered on the CSG system?

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2.5 How did you receive payments for CSG?

-----

2.6 How long have you been receiving CSG?

-----

2.7 How are documents falsified in the commission of CSG fraud?

-----

2.8 What are the contents of false affidavit(s) that you have stated when applying for CSGs? (If applicable).

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2.9 What are other ways to commit child support grand fraud?

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2.10 What other documents have you falsified to qualify for CSG?

-----

2.11 How can CSG be efficiently investigated?

-----

2.12 How is “inside-job” assistance carried out in CSG fraud?

-----

2.13 Were you advised by any person to apply for CSG?

-----

2.14 If your answer to 2.13 is yes, then who advised you?

-----

2.15 What were the reasons provided by the person(s) mentioned above in section 2.14?

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2.16 Did you get involved in computer hacking in committing CSG fraud?

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**3. THE VALUE OF *MODUS OPERANDI* INFORMATION IN THE INVESTIGATION OF CHILD SUPPORT GRANT FRAUD**

3.1 What are the loopholes in the CSG system that make civil servants find it easy to commit fraud on CSGs?

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3.2 What measures can SASSA put in place to stop CSG fraud from being committed by civil servants?

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3.3 What is admissibility requirement of *modus operandi* in committing CSG fraud?

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3.4 What is the value of *modus operandi* in CSG fraud?

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3.5 What can serve as deterrence for civil servants to stop defrauding the CSG system?

-----

3.6 What do you understand by case linkage in CSG fraud?

-----

3.7 What are judicial processes that are not complied with correctly?

-----

3.8 What are other social grants fraud that are committed?

-----

3.9 Did you make use of similar methods with your other colleagues to commit various CSG frauds?

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## **APPENDIX C**

### **-PERMISSION TO CONDUCT RESEARCH-**



Ref: 3/34/2 (5)

26 May 2009

**The Provincial Commissioner  
South African Police Service  
GAUTENG**

**RESEARCH APPLICATION: THE MODUS OPERANDI OF GOVERNMENT EMPLOYEES IN COMMITTING FRAUD WITH REGARD TO CHILD SUPPORT GRANT: GAUTENG.**

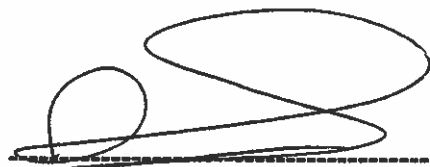
1. Mr. Tshabalala is currently studying Criminal Justice with the University of South Africa in Gauteng.
2. The study of the research is to determine the modus operandi of government employees in committing fraud with regard to child support grant.
3. The objectives of the study are to:-
  - examine the modus operation and pattern used by the civil servants in unduly accessing the child support grand;
  - identify the extent of child support grant fraud committed by the civil servants in SASSA Offices in the City of Johannesburg; and
  - compile a profile of the perpetrators by examining the modus operandi.
4. The researcher will ask the following questions to the interviewees:-
  - what is forensic investigation?
  - what constitutes child support grant fraud by government employees?
  - Which modus operandi do government officials in unduly accessing child support grant in the City of Johannesburg, Gauteng use?
  - what profile and crime patterns can be detected by analyzing the fraud committed by government officials with regard to unduly accessing of child support grant?
  - which techniques are required to investigate child support grant fraud effectively? and
  - what are the loopholes in the child support grant system that allows for abuse of the system?

5. The value of this research is that, it will serve as deterrence for the civil servants to illicitly access child support grant.
6. The researcher will use empirical design, which will include face-to-face interviews with individuals and literature study to investigate the research topic. He will also use qualitative and quantitative approach to access statistics of both SASSA and the SAPS on fraud, and by analyzing the statistics.
7. The research will be confined at SAPS Johannesburg Commercial Branch Investigators with group interviews.
8. The application is recommended according to the National Instruction of 1/2006

**COMMENTS**

**RECOMMENDATION / NOT RECOMMENDED**

<i>See conditions in para 2-8 of letter of approval</i>



.....: DIRECTOR  
PROVINCIAL HEAD: MANAGEMENT SERVICES: GAUTENG  
W.A VENTER.

DATE: 2009-06-09



APPROVED / NOT APPROVED


  
-----: DEPUTY PROVINCIAL COMMISSIONER  
F/PROVINCIAL COMMISSIONER: GAUTENG  
G.H. BESTER.

DATE: ----- 12 JUN 2009

**Information Note Compiled by SAC. D. Mathule**

011- 274 7611 (Office)  
011- 274 7565 (Fax)  
084 296 3686 (cell)

**Information Note Verified by Snr Supt. PS. Naicker**

011- 274 7566 (Office)  
011- 274 7565 (Fax)  
082 455 5373 (cell)

## NATIONAL INSTRUCTION 1/2006

### RESEARCH IN THE SERVICE

#### 1. Background

The purpose of this instruction is to regulate requests to conduct research in the Service by persons from outside the Service or by employees who wish to conduct the research for private purposes (such as for the purposes of their studies).

#### 2. Definitions

In this Instruction, unless the context otherwise indicates, —

- (a) “*line manager*” means the employee who is responsible for the matter in respect of which it is requested to conduct the research;
- (b) “*publish*” means any form of communication, other than communication to the Service;
- (c) “*researcher*” means the person who applies for access to a record or information in the possession or under the control of the Service for the purpose of conducting research;
- (d) “*research goals*” means what the researcher aims to establish by conducting the research;
- (e) “*research instrument*” means an instrument of data collection consisting of a series of questions relating to the research project that will be put to persons in order to gather information for the purposes of the research project;
- (f) “*research procedure*” refers to the kind of research tools and procedures that will be used to conduct the research;
- (g) “*research proposal*” means an outline of the research that the researcher plans to conduct and the objectives of the research; and
- (h) “*the Act*” refers to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

#### 3. Applications to conduct research in the Service

An application to conduct research in the Service must contain at least —

- (a) the full names and surname of the *researcher*;
- (b) his or her identity number;
- (c) his or her residential address;

- (d) his or her work address;
- (e) his or her telephonic contact details;
- (f) his or her academic and other applicable qualifications;
- (g) any relevant experience of the researcher in conducting *research*;
- (h) the name of company or institution represented, or on behalf of whom the *research* will be conducted;
- (i) full details of the company or institution on behalf of which the *researcher* will conduct the *research* and his or her authorization or contractual obligations to that company or institution, if the researcher represents, or will act on behalf of a company or institution;
- (j) the goals of his or her research;
- (k) a *research proposal* which sets out the *research procedure* and *research instruments* he or she intends to utilize during the research;
- (l) a copy of the *research instruments*;
- (m) a recommendation from the researcher's promoter regarding the *bona fides* of the application;
- (n) an estimate of the time period necessary for his or her research;
- (o) an indication of the method of *publication* of his or her research; and
- (p) a motivation for the research indicating the extent to which the research will be in the interest of the Service.

#### 4. Receipt of an application to conduct research in the Service

- (1) Any office of the Service that receives an application to conduct research on information in the possession or under the control of the Service, must forward the application to the following functionary:  
The Head  
Strategic Management  
Head Office  
South African Police Service  
Private Bag X94  
PRETORIA  
0001.
- (2) If the application is an application to have access to a record to which any member of the public would normally be permitted to have access in terms of *the Act*, the Head: Strategic Management must inform the applicant that he or she must submit the application in terms of *the Act* to the appropriate deputy information officer of the Service and provide him or her with the contact particulars of the relevant deputy information officer.
- (3) If an application to conduct *research* in the Service is received by the Head: Strategic Management, and it appears that the application does not contain all the information required in terms of this paragraph or any ambiguity exists regarding any aspect of the intended research or the

application, the Head: Strategic Management may make the necessary enquiries or liaise with the applicant regarding any aspect to enable him or her to make a decision regarding the application.

## 5. Consideration of an application to conduct research in the Service

- (1) If an application to conduct research in the Service is an application to have access to a record that would normally not be approved if made in terms of *the Act* or that is contained in an open docket, the Head: Strategic Management must consult with the relevant *line manager* and any other relevant functionary to determine whether the research and outcome thereof will also be advantageous to the Service. If so, he or she must determine whether conditions could be imposed to prevent the unlawful disclosure of information or the disclosure of information that may negatively impact on the functions of the Service.
- (2) If the application is an application to have access to employees of the Service to interview them or to distribute questionnaires to such employees to be completed by them, the Head: Strategic Management must consult with the relevant *line manager* under whose command the relevant employees resort and any other relevant functionaries to determine whether the research and outcome thereof will also be advantageous to the Service. If so, he or she must determine whether conditions could be imposed to prevent the unlawful disclosure of information or the disclosure of information that may negatively impact on the functions of the Service or to prevent unacceptable demands being placed on the time of employees or the resources of the Service.
- (3) During the consultation in respect of applications referred to in subparagraphs (1) and (2), the Head: Strategic Management and the relevant *line manager* and other functionary, if applicable, must not only consider the merits of the application to conduct the research, but also the availability of the relevant records or information and the impact that the research will have on the performance by employees of their duties and functions and the demands that it will place on the resources of the Service.
- (4) The relevant *line manager* and other functionary, if applicable, must confirm their views in this regard in writing to the Head: Strategic Management.
- (5) If the Head: Strategic Management and the relevant *line manager* agree, the Head: Strategic Management may —
  - (a) subject to subparagraph (7), approve the application; or
  - (b) disapprove the application.

- (6) If the Head: Strategic Management and the relevant *line manager* disagree regarding the merits of the application and the availability of the records or information required or the effect of research on the duties of members and resources of the Service, the Head: Strategic Management must submit the application together with his or her recommendations and the recommendations of the relevant *line manager* to the relevant Deputy National Commissioner for a final decision on the application.
- (7) In the case of an application for research to be conducted nationally, in more than one province or relating to officials of the Service holding the rank of Assistant Commissioner or a higher rank, and the Head: Strategic Management and the relevant *line manager* agree that the application should be approved, the Head: Strategic Management must submit the application together with his or her recommendations and those of the relevant *line manager* to the relevant Deputy National Commissioner for a final decision.
- (8) The relevant Deputy National Commissioner or the Head: Strategic Management, whichever may be applicable, must in writing inform the researcher of the outcome of the application, and if approved, set out the conditions upon which the approval was granted and indicate the limits, if any, placed on conducting the research.

## 6. Conditions

- (1) If an application is approved, the *researcher* must be informed in writing that the approval is granted provided that the *researcher* signs an undertaking (of which a copy must be attached to the letter) to comply with the conditions upon which the research was approved.
- (2) The undertaking must mention the conditions set by the Head: Strategic Management and must indemnify the Service against any claim for any loss or damage caused by or to any equipment used during conducting the *research* and against any claim for any loss or damage or any other moneys for which the Service may be held liable as a consequence of its involvement in the project and the *researcher* must at least undertake that he or she —
  - (a) will at his or her exclusive cost, provide all equipment of whatsoever nature used to conduct the *research*;
  - (b) will conduct the *research* without any disruption of the duties of members of the Service and where it is necessary for the *research goals, research procedure or research instruments* to disrupt the duties of a member, prior arrangements must be made in good time with the commander of such member;
  - (c) will not divulge information received from a member of the Service or any person with whom the *researcher* conducted an interview,

and that the information will at all times be treated as strictly confidential. If information pertains to the investigation of a crime or a criminal case, the *researcher* must acknowledge that he or she, by *publication* thereof, may also be guilty of defeating or obstructing the course of justice or contempt of court;

- (d) will pay fees or comply with further procedures in the Service, such as fees or procedures applicable to obtain access to a record of the Service;
- (e) will allow the Service fourteen days to peruse the report in order to determine whether it complies with all conditions for the approval of the research before it is published in any manner and, if it is found not to comply with any condition, that he or she will not publish it; and
- (f) will donate an annotated copy of the *research* work to the Service.

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Ref: 3/34/2(5)

16-04-2013

The Provincial Commissioner  
**GAUTENG**

**REQUEST TO MODIFY A RESEARCH TOPIC: THE MODUS OPERANDI OF GOVERNMENT EMPLOYEES IN COMMITTING FRAUD WITH REGARD TO CHILD SUPPORT GRANT TO THE VALUE OF MODUS OPERANDI IN THE INVESTIGATING OF CHILD SUPPORT GRANT FRAUD**

1. Information note dated 26 May 2009 refers.
2. Mr G Thenga is currently studying Criminal Justice with the University of South Africa in Gauteng.
3. A request is hereby made for a modification of a research topic: The modus operandi of government in committing fraud with regard to child support grant.
4. The above research topic is requested to be modified to read as thus: The value of modus operandi in the investigating of child support grant fraud.
5. The essence of the research topic is still the same, and the contents still speak to the latest topic.
6. The researcher is currently in the process of consolidating information gathered while conducting interviews with members and it's in the finalization stage.

**Information Note Compiled by SAC ML Ladzani**

011 274 7324 (Office)

011 274 7322 (Fax)

076 499 8661 (Cell)

**Information Note Verified by Lt. Col Moolman**


011 274 7378 (Office)

011 274 7322 (Fax)

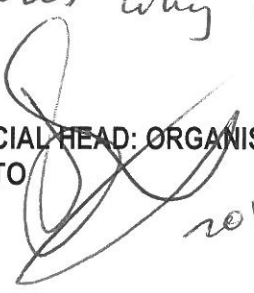
REQUEST TO MODIFY A RESEARCH TOPIC: THE MODUS OPERANDI OF GOVERNMENT EMPLOYEES IN COMMITTING FRAUD WITH REGARD TO CHILD SUPPORT GRANT TO THE VALUE OF MODUS OPERANDI IN THE INVESTIGATING OF CHILD SUPPORT GRANT FRAUD

COMMENT:

RECOMMENDED

 MAJOR GENERAL  
PROVINCIAL HEAD: LEGAL SERVICE: GAUTENG  
C HENDRICKS  
Date: 2013/05/06

COMMENT: recommended but the applicant must provide reasons why change in topic. Applicant must provide reasons why change now!

 BRIGADIER  
PROVINCIAL HEAD: ORGANISATIONAL DEVELOPMENT AND STRATEGIC: GAUTENG  
S J PHE TO  
Date: 2013/09/08

APPROVED / NOT APPROVED:

 MAJOR GENERAL  
DEPUTY PROVINCIAL COMMISSIONER: OPERATIONS OFFICER  
NP MASIYE  
Date: 2013.05.09



SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaat Sak/Private Bag X57, BRAAMFONTEIN, 2017

Verwysing Reference	: 3/34/2 (5)
Navrae Enquiries	: Lt. Col. Moolman / SAC ML Ladzani
Telefoon Telephone	: 011 274 7324
Faksnommer Fax number	: 011 274 7322
E-pos Email	: Ladzanim@saps.org.za

**THE PROVINCIAL COMMISSIONER  
SOUTH AFRICAN POLICE SERVICE  
PARKTOWN  
GAUTENG**

2014-03-27

- A. Deputy Provincial Commissioner : Crime Detection  
S A Police Service  
**Gauteng**
- B. The Provincial Head: Legal Service  
S A Police Service  
**Gauteng**

## **RESEARCH FINDINGS: THE VALUE OF MODUS OPERANDI IN THE INVESTIGATION OF CHILD SUPPORT GRANT**

1. Find attached a copy of the research findings of Mr Thenga with heading:  
**The value of modus operandi in the investigation of child support.**
2. The Provincial Research Centre acknowledges the findings to be in line with the National Instruction 1/2006.
3. In accordance to the National Instruction 1/2006, line managers are requested to comment on the finding given, in order to prevent the unlawful disclosure of information or the disclosure of information that may negatively impact on the function or image of the Service.
4. As per National Instruction par.6 (2)-(e), the approval of the research findings must be carried out within 14 days; the SAPS failure to complete the process within the specified period will allow the researcher rights to publish the findings.

# RESEARCH FINDINGS: THE VALUE OF MODUS OPERANDI IN THE INVESTIGATION OF CHILD SUPPORT GRANT

- 5. Your comments must please be scanned and emailed or hand delivered to the Strategic Management office, and directed to SAC ML Ladzani.
- 6. Your speedy response is highly appreciated.


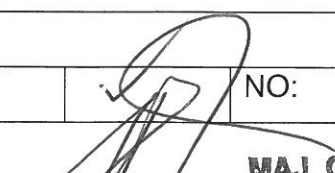
Sincerely,



BRIGADIER

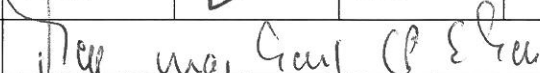
PROVINCIAL HEAD: ORGANISATIONAL DEVELOPMENT AND STRATEGIC  
MANAGEMENT: GAUTENG  
**SJ PHETO**  
Date *2014/04/16*

**B: RECOMMENDATIONS BY THE DEPUTY PROVINCIAL COMMISSIONER: CRIME DETECTION: GAUTENG**

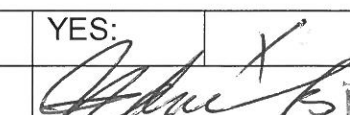
FINDINGS RECOMMENDED:	YES:		NO:	
SIGNATURE:	 <b>N.O. TAIOE</b> <b>MAJ. GEN.</b>			

# RESEARCH FINDINGS: THE VALUE OF MODUS OPERANDI IN THE INVESTIGATION OF CHILD SUPPORT GRANT

## C: RECOMMENDATIONS BY THE DEPUTY PROVINCIAL COMMISSIONER: OPERATIONAL SERVICE: GAUTENG

FINDINGS RECOMMENDED :	YES:	<input checked="" type="checkbox"/>	NO:	<input type="checkbox"/>
SIGNATURE:				

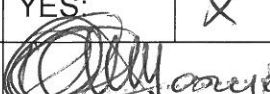
## D: RECOMMENDATIONS BY PROVINCIAL HEAD: LEGAL SERVICES: GAUTENG

FINDINGS RECOMMENDED :	YES:	<input checked="" type="checkbox"/>	NO:	<input type="checkbox"/>
SIGNATURE:				



# RESEARCH FINDINGS: THE VALUE OF MODUS OPERANDI IN THE INVESTIGATION OF CHILD SUPPORT GRANT

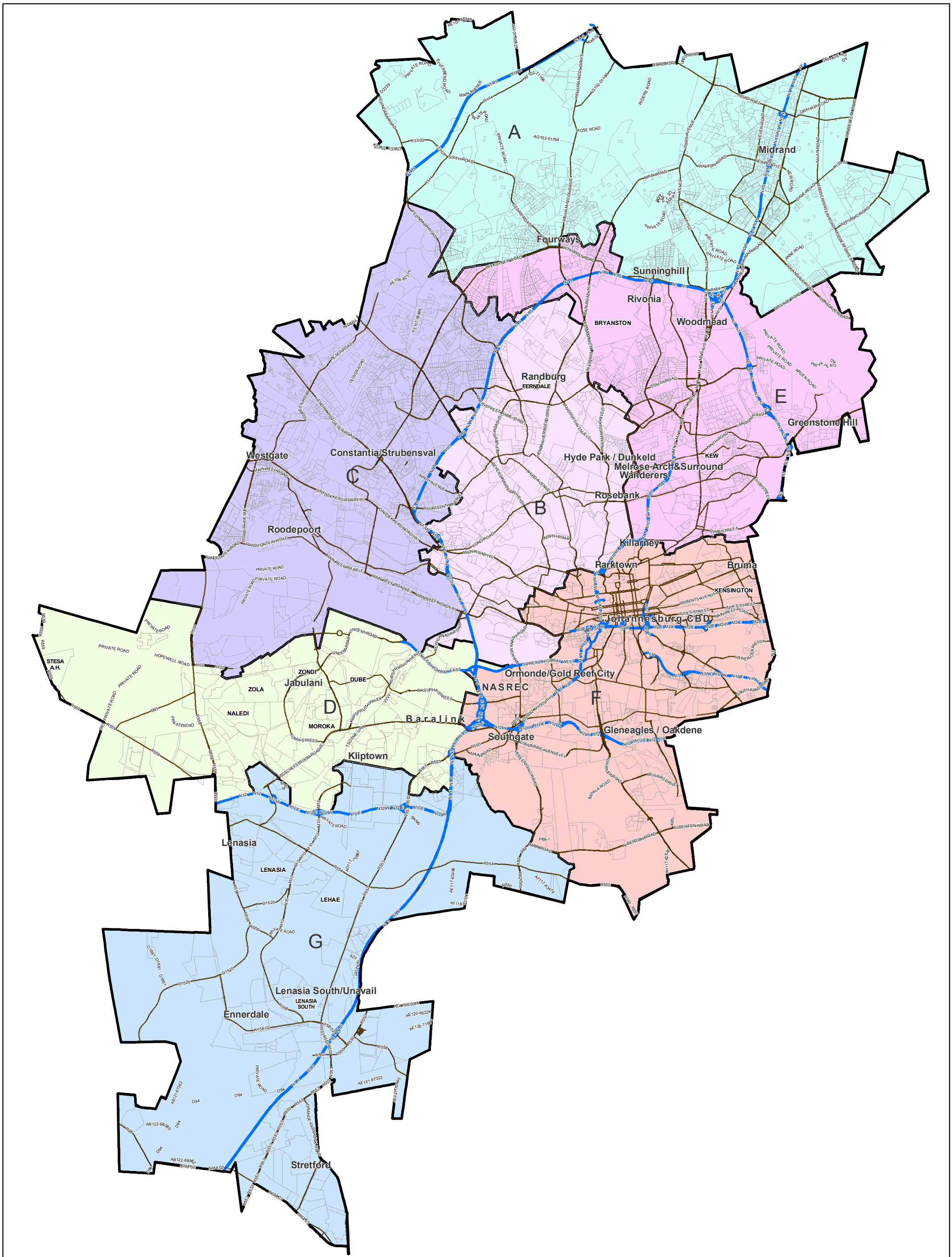
E: APPROVED / NOT APPROVED BY THE DEPUTY PROVINCIAL COMMISSIONER: OPERATIONS OFFICER

FINDINGS APPROVED:	YES:	<input checked="" type="checkbox"/>	NO:
SIGNATURE:			

Maj. Gen  
DPC: Operations Officer  
N.P. MASIYE

## **APPENDIX D**

### **-GEOGRAPHIC MAP OF THE CITY OF JOHANNESBURG REGIONS**



a world class African city

# Regional Map

Region A to G

### Legend

- City of Johannesburg
- Township Boundaries
- National Roads / Motorways
- Provincial / Major Roads
- A
- B
- C
- D
- E
- F
- G

City of Johannesburg

CORPORATE GEO-INFORMATICS

Telephone: +27 11 407-6095/6200/6134  
 Email: Cgsgis@cityofjohannesburg.org.za  
 Workspace: projects\standard maps\RegionAbG\_A0.mxd  
 Date: 18 January 2012  
 Compiler: Dinao Tjia  
 Source: City of Johannesburg  
 Projection: Transverse Mercator (LO 29)  
 Datum: Hartbeeshoek 1994 (WGS84 Ellipsoid)  
 Kilometers 2 1 0 2



1:70 000