

**MANIFESTATIONS OF CORRUPTION IN THE CITY OF TSHWANE
METROPOLITAN MUNICIPALITY**

by

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DECLARATION

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I, Bernard Khotso Lekubu, hereby declare that this dissertation entitled: “Manifestations of Corruption in the City of Tshwane Metropolitan Municipality” for a Master’s Degree was researched and compiled by myself and is indeed my own work.

Bernard Khotso Lekubu

Signed at Pretoria, South Africa, February 2015

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ABSTRACT

This study was conducted as a result of the various media reports, various law enforcement investigation reports, Public Service Commission, reports of the Auditor General South Africa and the Public Protector South Africa on corruption and the various forms in which corruption manifests itself in the City of Tshwane Metropolitan Municipality and the effectiveness of the various law enforcement agencies and the government in tackling the scourge of corruption in public and private institutions. While South Africa has various anti-corruption strategies, they all seem to be ineffective and have thus far not achieved their desired results. A qualitative research approach was used to investigate this problem. A thorough literature study and documentary analysis was used to gather all the relevant data related to this topic.

It has been found that the most common manifestations of corruption that take place in the South African public service are fraud, bribery, extortion, nepotism, conflict of interest, cronyism, favouritism, theft, graft, embezzlement and abuse of power. Other forms of corruption that raise concern are, for example, influence-peddling, insider trading/abuse of privileged information, bid-rigging and kickbacks. South Africa has, on the other hand, seven anti-corruption institutions and seventeen pieces of legislation which are intended to combat corruption in the public and private sector. These pieces of legislation give South African law enforcement and investigators in the public and private sectors a clear mandate with a view to investigating the high levels of corruption.

It is the submission of the Public Service Commission (2011:vi) that corruption has become a global concern that seriously hampers development in any country and diverts its resources from where they are needed the most. The most unfortunate truth and reality about corruption is that the poor suffer the most.

Key Terms

Forensic Investigation, Corruption, Fraud, Embezzlement, Extortion, Cronyism, Nepotism, Graft.

LIST OF ABBREVIATIONS AND ACRONYMS

ACCC: Anti-Corruption Coordinating Committee

AFU: Asset Forfeiture Unit

AGSA: Auditor-General South Africa

CAQDAS: Computer-Aided Qualitative Data Analysis Software

CASAC: Council for the Advancement of the South African Constitution

CoT: City of Tshwane

DNA: Deoxyribonucleic Acid

DPSA: Department of Public Service and Administration

ICAC: Independent Commission Against Corruption

IOCE: International Organization on Computer Evidence

IPID: Independent Police Complaints Directorate

MPS: Municipal Police Services

NPA: National Prosecuting Authority

OECD: Organisation for Economic Co-operation and Development

PCCA: Prevention and Combating of Corrupt Activities Act

PFMA: Public Finance Management Act

PSC: Public Service Commission

PWC: PricewaterhouseCoopers

SA: South Africa

SACU: Special Anti-corruption Unit

SAPS: South African Police Service

SAPSFSL: South African Police Service Forensic Science Laboratory

SIU: Special Investigating Unit

SONA: State of the Nation Address

TI: Transparency International

UNDP: United Nations Development Program

UNECE: United Nations Economic Commission for Europe

UNISA: University of South Africa

UNODC: United Nations Office on Drug and Crime

USA: United States of America

CONFIRMATION OF LANGUAGE EDITING

I, Susan van Tonder, MA Linguistics, ID 6009160072083, hereby declare that I have edited the master's dissertation 'Manifestations of Corruption in the City of Tshwane Metropolitan Municipality' by Bernard Khotso Lekubu.



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CHAPTER ONE

GENERAL ORIENTATION

1.1 INTRODUCTION

The United Nations Manual on Anti-Corruption Policy (2001:7) states that corruption is “the abuse of public power for private gain that hampers the public interest”. In South Africa, corruption is regulated by section 3 of the Prevention and Combating of Corrupt Activities Act, No. 12 of 2004 (PCCA) (South Africa, 2004). A well-articulated definition of corruption, which has been published by Corruption Watch and which dominates the international understanding of corruption, calls corruption, “the abuse of public resources or power to enrich or give unfair advantage to individuals, their family or friends” (Corruption Watch, 2013). According to Martinez-vazquez, Granado and Boex (2007:3), corruption can be defined as the abuse of public office for private gain. According to Porta (2012:3), “in social sciences, growing interest in the topic of corruption has been an animated debate on this very definition of the phenomenon”. However, there is broad consensus on conceptualising corruption as the misuse or abuse of public power for private benefits.

Porta (2012:3) goes on to assert that the abuse or misuse of entrusted power for private gain can assume different forms and contents. Corruption in a broader sense entails embezzlement, favouritism, nepotism, clientelism, vote-buying, fraud, extortion and maladministration, which terms are often used to describe corrupt relationships. U-Myint (2000:35) describes corruption as the use of public office for private gain, or, in other words, use of official position, rank or status by an office bearer for their own personal benefit. Following from this definition, examples of corrupt behaviour would include: (a) bribery, (b) extortion, (c) fraud, (d) embezzlement, (e) nepotism, (f) cronyism, (g) appropriation of public assets and property for private use, and (h) influence peddling. As explained by Wrage (2007:18), “Cronyism, nepotism and patronage-favors and opportunities bestowed on friends, family and supporters without regard to qualifications, individually or in combination, are the core to corrupt practices.” Caiden (2001:19) describes corruption as something spoiled which sounds defective, debased and tainted”

Arnone (2014:1) submits that corruption is a multi-faceted phenomenon which is deeply rooted and is considered as normal in some instances". "Furthermore, corruption may be defined as deterioration in the decisional process that characterises cases which the decider either public or private has deviated from the criteria that is required by law for the purpose of personal gain". "Corruption, therefore, is related to maladministration associated with public offices due to public servants deviating from laws and procedures that regulate public offices" (Uneke, 2010:111). Moreover, the United Nations Development Programme (UNDP) (2011) defines corruption as "the misuse of public power, office or authority for private benefit through bribery, extortion, influence peddling, nepotism, fraud, speed money or embezzlement". In addition, Corruption Watch (2014) defines corruption as "the abuse of public resources or power to enrich or give unfair advantage to individuals". According to Ortega (2010:2), "All nations suffer to some degree from the debilitating effects of corruption. Manifestations of corruption include bribes, patronage, nepotism, cronyism, fraud and embezzlement".

1.2 PROBLEM STATEMENT

Corruption is a global concern that seriously hampers development and diverts resources from where they are needed most. The manifestations of corruption continue to present a major challenge in the public service departments in South Africa and the City of Tshwane Metropolitan Municipality is not immune from this epidemic. Furthermore, investigations conducted by the Special Investigating Unit (SIU) for the period 01 January 2010 to 31 December 2013 into irregular procurement processes, irregular awarding of tenders, nepotism, conflict of interest, fraudulent qualifications, fruitless and wasteful expenditure, unauthorised expenditure, fraud and corruption in the Tshwane Metropolitan Municipality amounted to an actual loss of R649 million (SIU, 2010/11:22), R2 billion (SIU, 2011/12:23) and R4 billion (SIU, 2012/13:8, 45-49).

Statistics from the City of Tshwane Metropolitan Municipality Forensic Services Unit show that, during the period 14 March 2013 to 07 February 2014, 181 cases of corruption were investigated, which were either received as management requests or via the Whistle-blower Hotline. Table 1 below shows the various manifestations of corruption in the City of Tshwane Metropolitan Municipality for the period 14 March 2013 to 07 February 2014.

Table 1: Occurrences of corruption in the City of Tshwane Metropolitan Municipality, 2013-2014

Manifestations	Number of occurrences
Misconduct	10
Fraud	54
Corruption	13
Bribery	9
Abuse of City of Tshwane (CoT) property	3
Theft	17
Illegal connection (water and electricity)	37
Irregular appointment of service providers	1
Tender irregularity	8
Irregularity on leave discrepancies	1
Nepotism	2
Irregularity: inspection without permission	1
Housing irregularity	5
Conflict of interest	2
Reckless and negligent driving	2
Unethical behaviour	1

Source: City of Tshwane Metropolitan Municipality, Group Audit & Risk Department (2014)

In view of the above-mentioned manifestations of corruption, and after consulting officials from the City of Tshwane Metropolitan Municipality, the researcher decided to embark on this research in order to develop effective strategies for combating corruption and its various forms.

1.3 DEMARCATION OF THE STUDY

The study focused on the City of Tshwane Metropolitan Municipality. Assistance was sought from the City of Tshwane Metropolitan Municipality Forensic and Investigations Unit, whose responsibility, amongst others, is the investigation of all forms of corruption and the various ways in which it is manifested. However, because the Unit was unable to afford the researcher the opportunity to interview its forensic investigators although permission was granted, the researcher had to abandon the strategy of using interviews as a data-collection method and rather focused on document and content analysis. The researcher used official government documents and reports in this study. These documents were acquired from the Auditor General South Africa (AGSA), Office of the Public Protector (PP), Special Investigating Unit (SIU) and the Public Service Commission (PSC), which were specifically relevant to the City of Tshwane Metropolitan Municipality and the topic of the research.

1.4 RESEARCH AIM AND OBJECTIVES

Leedy and Ormrod (2010:48) submit that, once the research problem is identified, the aim of the research must be carefully phrased as it represents the single aim of the total effort. Oliver (2004:102) is also of the opinion that research aims are significant attributes of a research study and that these research aims essentially direct what you want to learn from the research being undertaken. According to Mouton (1996:103), the aim of any research is to establish facts, gather new data and to determine whether there are interesting patterns in the data. With this in mind, the aim of this research is to explore the manifestations of corruption in the City of Tshwane Metropolitan Municipality. The objectives of this research are, to evaluate the procedures followed by CoT investigators when investigating corruption; to discover new information on the manifestations of corruption during the investigation of alleged corruption, not known to the researcher previously; and to develop best practice packages to combat corruption and its manifestations.

1.5 RESEARCH QUESTIONS

Leedy and Ormrod (2013:39) state that questions can be an excellent way of collecting data and providing guidelines on how the researcher should analyse and interpret data.

De Vos, Strydom, Fouche and Delport (2011:352) and Flick (2011:90) encourage researchers to follow a logical sequence and limit the research questions. The researcher focused on the following research questions to guide the research study and achieve the research goal:

- What is the role of forensic investigation in combatting the various manifestations of corruption in the City of Tshwane Metropolitan Municipality?
- What are the standard procedures for investigating corruption cases?
- How does corruption manifest itself in the City of Tshwane Metropolitan Municipality?

1.6 THE VALUE OF RESEARCH

According to Welman and Kruger (2002:256), value entails demonstrating a measure of research competence or problem-solving ability and, to a lesser degree, adding to the body of knowledge in a field of science. De Vos et al. (2011:107) and Denscombe (2010:24) are of the opinion that research must be able to be used for practical purposes and should be useful for the intended target group. It is expected that from the unique nature of this research, organisations and individuals may benefit by considering and implementing the research results. It is further expected that investigators within the City of Tshwane Metropolitan Municipality will benefit from this study as it can be used to enhance their investigation skills. The following is a list of suggested bodies that may benefit from this academic research and the value they may receive from the research:

Value to the City of Tshwane Metropolitan Municipality: The findings and recommendations in this study has the potential to assist the Municipality in the fight against corruption.

Value to the University: The research can serve as part of the academic conversation of current research and can contribute as a point of reference for future research on corruption and its various forms of manifestation.

Value to law enforcement agencies: Law enforcement agencies can use the findings and recommendations in this study to develop new strategies in the fight against corruption.

Value to the scholarly and academic community: The report and results of the research may be beneficial to scholars and the academic community in terms of knowledge and understanding of the manifestation of corruption in municipalities.

1.7 LITERATURE REVIEW

The researcher conducted an extensive literature review to determine what has been written or published on corruption and its various forms manifestation. Creswell (2009:26) and Welman, Kruger and Mitchell (2005: 41) accentuate that literature sources assist to develop a good understanding of and insight into previous research conducted. Taking this into consideration, the literature review in this study was divided into three categories: primary, secondary and tertiary sources, as highlighted by Welman et al. (2005:41):

- Primary sources dealing with corruption and its various manifestations have been the first occurrence of piece work and include both published sources and unpublished manuscripts (Welman et al., 2005:41).
- Secondary sources such as books and journals in the field of forensic investigation have constituted the subsequent publications of primary literature (Welman et al., 2005:41).
- Previous dissertations and theses from the UNISA library in the field of forensic and criminal investigation field have also been consulted as tertiary sources.

The researcher also consulted official policies, strategies and legislation to establish if there are gaps in such official documents. In order to ensure that the recommendations made on the basis of the findings of the research were balanced, the researcher consulted national and international anti-corruption agencies to ensure that new knowledge was fused with the findings.

1.8 RESEARCH METHODOLOGY

1.8.1 Research design and approach

Leedy and Ormrod (2001:91) state that a research design is applied in research to provide the overall structure that the researcher needs to follow during the collection and analysis of data. In this study, the researcher used literature review, document and content analysis because the City of Tshwane Metropolitan Municipality was not able to afford the researcher the opportunity to conduct interviews. “Bowen (2009:27) asserts that document analysis is a systematic procedure for reviewing or evaluating documents - both printed and electronic (computer-based and Internet-transmitted) material”.

Although permission was granted by the Chief Audit Executive (Group Audit & Risk Department) in the City of Tshwane Metropolitan Municipality to conduct the research and to conduct interviews with forensic investigators of the Municipality, the researcher used official government documents and reports to conduct the research because the researcher was not afforded the opportunity to conduct these interviews. Like other analytical methods in qualitative research, document analysis requires that data be examined and interpreted in order to elicit meaning, gain understanding and develop empirical knowledge” The author goes on to explain that “document analysis is often used in combination with other qualitative research methods as a means of triangulation—‘the combination of methodologies in the study of the same phenomenon’ (Denzin, 1970, p. 291). The qualitative researcher is expected to draw upon multiple (at least two) sources of evidence; that is, to seek convergence and corroboration through the use of different data sources and methods.”

According to Welman et al. (2005:52), a research design is the plan according to which researchers obtain research participants or subjects and collect data from them. Mouton (2001:55) states that a research design is a plan on how the researcher intends conducting their research. Maxfield and Babbie (2011:113) submit that research design involves a set of decisions regarding what topic is to be studied, among what population, with what research methods and for what purpose.

Bachman and Schutt (2011:150) conclude by writing that how research is designed influences a researcher's ability to draw causal conclusions. The primary source of information for this study was obtained through a thorough literature study, document and content analysis. The researcher also used personal experience to gather information. Within the social science studies two approaches are commonly used, the qualitative and quantitative research approaches. These two approaches differ in terms of the methods they use for collecting data, sampling and generalising results and in terms of the purpose of the study. The quantitative approach is conducted under controlled measures and with the intention of generalising the findings. In contrast, the qualitative approach is more relaxed and its purpose is to obtain rich knowledge about the research problem (De Vos et al., 2002:73). For the purpose of this study, the researcher adopted a qualitative research approach because it enabled him to gain a clearer understanding of the research problem by obtaining an in-depth knowledge of the problem and to achieve the objectives of this study.

Leedy and Ormrod (2010:146) suggest that the qualitative approach provides the researcher with a structure of procedures that guides the researcher in collecting empirical data regarding the research problem and analysing it. Lastly, a qualitative research approach was selected for this study because it contains features that enabled the researcher to obtain broad descriptions and detailed information about the research topic and answers to the research problem.

1.8.2 Population and sampling

Welman et al. (2005:52) submit that a population contains the total collection of all units about which the researcher wishes to make specific conclusions. It is the entire mass of observations, which is the parent group from which a sample is formed (Singh, 2006:82). Accordingly, De Vos et al., (2005:194) also submit that in order to determine a sample, it should comprise of elements of the population which have been considered for actual inclusion in the researcher's study Babbie and Mouton (2010:174) define a population as an aggregation of the elements from which the sample is actually selected. The ideal population for this research would be all the investigators in the South African municipal fraternity who investigate allegations of corruption and its various forms.

It would, however, be unrealistic to consult and interview all the investigators employed at municipalities in South Africa (SA) due to financial and practical constraints. "Sampling", according to Denscombe (1998:11), refers to a portion of the entire population. The researcher used official government documents and reports in this study which could be considered as the researcher's sample. These documents were acquired from the AGSA, PP, SIU and the PSC. Documents were chosen that were specifically relevant to the City of Tshwane Metropolitan Municipality and the research topic. Furthermore, the researcher considered it beneficial to ascertain from all documents analysed, which aspects constitute manifestations of corruption and which are the most prevalent forms of the manifestations of corruption in the public service, with emphasis on the City of Tshwane Metropolitan Municipality.

1.8.3 Data-collection methods

Fink (2010:112) submits that one of the researcher's primary responsibilities is to evaluate the quality of a study's data. The researcher used methodological triangulation, described in Leedy and Ormrod (2001:105) as multiple sources of data collected with the hope that they all congregate to support a particular theory. Mouton (2001:98-105) indicates that frequently used data-collection methods in qualitative research include observation, interviewing and documentary sources. Since this is a qualitative research study, the researcher used a literature review, document analysis and content analysis as data-collection methods (McMillan & Schumacher, 2001:42). The researcher gathered data by means of a comprehensive literature study, which relates to a qualitative research approach because it allows the researcher an opportunity to delve deeper by studying all relevant documents related to the topic. The researcher studied official government documents and reports. These documents were acquired from AGSA, PP, SIU and the PSC and were documents that were considered specifically relevant to the City of Tshwane Metropolitan Municipality and the research topic.

1.8.4 Data analysis

"Data analysis" refers to a process of interpreting and giving order to a large amount of data (De Vos in De Vos et al., 2005:333). With the advent of technology, a Computer-Aided Qualitative Data Analysis Software (CAQDAS) has been developed to assist in this

process. This software is capable of analysing bulk information using different methods (or packages). The researcher used the CAQDAS software as an aid in his analysis of the official government documents and reports used in the study, which were acquired from the AGSA, PP, SIU and PSC and which were relevant to the research topic.

1.9 METHODS USED TO ENSURE VALIDITY AND RELIABILITY

According to Welman and Kruger (2000:177), scientific research must be both valid and reliable. For the purposes of this research, qualitative processes to ensure that data-collection methods met the requirements for validity and reliability were followed and taken into consideration throughout. Creswell (2009:190) states that qualitative validity means that the researcher checks the accuracy of findings through certain procedures.

1.9.1 Validity

Hardy and Bryman (2004:23), Hussey and Hussey (1997:57) and Champion (1993:240) view validity as "...an instrument that is said to be valid whenever it measures what we say it measures". Monette, Sullivan and De Jong (1994:200) further states that "validity" refers to whether the categories researchers develop and the aspects of the content coded are meaningful indicators of what they intend to measure. The submission of Leedy and Ormrod (2011:28), that validity is concerned with the extent to which the instrument measures what it is intended to measure, is also very true. Validity concerns the accuracy of the questions asked, the data collected and the explanation offered. Generally it relates to the data and the analysis used in the research (Denscombe, 2002:100). The researcher ensured that the data collected was valid by consulting books, journals, periodicals, and information from the Internet relevant to the aims and research questions of this research. Du Plooy (2009:33) defines validity as a quality of a test doing what it is designed to do. The validity of the research was addressed in both the population (sample of units) and data collection. The results of the research are reported and undertaken within the context of the research's purpose.

1.9.2 Reliability

According to Champion (1993:249) and Rosenthal and Rosnow (1991:46), the reliability of a measuring instrument is the ability of that instrument to measure consistently the phenomenon it is designed to measure. "Reliability" therefore refers to test consistency.

Hussey and Hussey (1997:57) argue that reliability is concerned with the findings of the research and is one aspect of the credibility of the findings. Leedy and Ormrod (2011:29) agree that reliability yields a certain result when the entity being measured has not changed. According to Bachman (2011:96-97), Dantzker and Hunter (2012:188), “reliability” refers to how consistent the measuring device would be over time. Key components of reliability are stability and consistency. Stability and consistency refer to the ability of the instrument to retain accuracy and resist change and the ability to yield similar results when replicated.

1.10 ETHICAL CONSIDERATIONS

According to Tracy (2013:242), ensuring that qualitative research is conducted ethically requires consideration of procedural rules and procedures, the specific ethics of the context studied. For social researchers, ethics involves the responsibilities that researchers bear toward those who participate in research, those who sponsor research and those who are potential beneficiaries of research (Monette et al. 1994:45). In an effort to adhere to the principles of ethics, the researcher followed the advice of Maxfield and Babbie (2011:54-64) that ethics are typically associated with morality and both deal with matters of right and wrong. All sources cited have been duly acknowledged to ensure that no plagiarism is committed. Appropriate references of every author quoted in this research have been made and the researcher has acknowledged the literature referred to by including a comprehensive list of references at the end of this research.

1.11 THEORETICAL CONCEPTS

Conceptualisation is the process by which we specify exactly what we mean when we use particular terms (Maxfield & Babbie, 2011:123; Bachman & Schutt, 2011:84) Gomm (2008:25) puts it clearly that “to be scientifically plausible researchers are often requested to identify concepts that will capture the real meaning of what the research is all about”. The words represent key features in the research to be explored. For the purposes of this research, the following key concepts were identified.

1.11.1 Forensic investigation

Van Rooyen (2008:14) submits that forensic investigation is in most instances associated with the investigation of computer-related crimes, corruption, fraud,

embezzlement and other white collar crimes. According to Bennett and Hess (2007:06), forensic investigation is a step-by-step inquiry, observation, thorough examination and recording of evidence and further to establish facts using science to present evidence before a court of law.

1.11.2 Criminal investigation

According to Monckton-Smith (2013:2), “criminal investigation” refers to a process organised to meet the demands of a system of justice and, often, the more serious the crime, the more complex and demanding the investigation. This view is supported by Bennett and Hess (2007:06), who state that criminal investigation is a process of discovering, collecting, preparing, identifying and presenting evidence to determine what happened and who is responsible.

1.11.3 Corruption

The word “corruption” has its origin in a Latin verb “corruptus”, meaning “to break”. Literally, it means “a broken object”. In simple words, corruption means “the misuse of entrusted power for private benefit”. Conceptually, corruption is a form of behaviour that departs from ethics, morality, tradition, law and civic virtue. The term “corruption” has various definitions. The United Nations Manual on Anti-Corruption (2001:40), Transparency International, and multilateral financial institutions like the World Bank and Asian Development Bank define corruption as “abuse of public office for private gains”.

1.11.4 Fraud

The New South Wales Cancer Institute (2013:5) defines fraud as a “deliberate and premeditated turn of events which involves the use of deception to gain advantage from a position of trust and authority”. The type of events include: acts of omission, theft, the making of false statements, evasion, manipulation of information and numerous other acts of deception. Fraud is regarded as a form of corrupt conduct (i.e. a subset within the definition of corruption) and therefore is subject to the same rules of reporting that apply to suspected corrupt conduct.

1.11.5 Maladministration

Maladministration is an activity or practice that results in non-compliance with regulations but is normally the result of a genuine mistake rather than any deliberate plan to gain an unfair advantage. Where a centre or provider repeatedly makes mistakes then this would eventually constitute malpractice (Institute of Leadership and Management, 2012:4).

1.11.6 Conflict of interest

According to Schedule 1 of the Public Service Commission (PSC) Rules on managing conflicts of interest (2009), conflict of interest is defined as “any financial or other private interest or undertaking that could directly or indirectly compromise the performance of the public servant’s duties or the reputation of a public servant’s department in its relationship with its stakeholders”.

1.11.7 Bribery

Bribery involves the promise, offering or giving of a benefit that improperly affects the actions or decisions of a public servant. This benefit may accrue to the public servant, another person or an entity. A variation of this manifestation occurs where a political party or government is offered, promised or given a benefit that improperly affects the actions or decisions of the political party or government (South Africa, Department of Public Service and Administration (DPSA), 2002:7).

1.12 CHAPTER LAYOUT

Chapter One: General orientation: The purpose of this chapter is to familiarise the reader with qualified and unqualified audit reports in municipalities with specific emphasis on corruption and its manifestation. This chapter also covers the problem statement, aims and objectives of the research, the purpose and research methodology.

Chapter Two: Forensic/Criminal Investigation: In this chapter the researcher focuses on the concepts of forensic and criminal investigation and the objectives of these two types of investigation.

Chapter Three: Corruption: In this chapter the researcher focuses on corruption in a broader sense.

Chapter Four: Research findings and recommendations: This chapter focuses on the research findings of the study and recommendations made on the basis of these findings.

CHAPTER TWO

THE ROLE OF FORENSIC INVESTIGATION IN COMBATING THE VARIOUS MANIFESTATIONS OF CORRUPTION IN THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY

2.1 INTRODUCTION

In this chapter, the meaning of the concept “forensic investigation” is discussed and analysed. The chapter also discusses what a forensic investigator is, explains the mandate to conduct investigations and discusses the qualities and responsibilities of an investigator. For the purpose of this study, the term “investigator” includes and refers to crime investigators, forensic investigators and corporate and private investigators.

2.2 FORENSIC SCIENCE AND INVESTIGATION

Forensic Science (also referred to as “medical jurisprudence” or simply called “forensics” in various literatures) is the application of science to law. Widespread confusion exists within the investigation industry regarding the true meaning of forensic investigation. Browne and Walker (2002:378) submit that forensics, firstly, relates to the application of scientific methods to the investigation of crime and, secondly, relates to a court of law. Browne and Walker (2002) explain that the term “forensic” was derived from the Latin word *forensis* meaning “in open court, public”. Jackson and Jackson (2008:1) are of the view that:-

“Forensic science may be defined as any science used in the sphere of the justice system. This definition encompasses both civil disputes and criminal matters. Hence forensic investigation is of critical importance in the investigation and resolution of criminal cases”.

The views of these authors are also supported by Tilstone (2013:3) and Shaler (2012:19), who find that the term “forensic” is effectively synonymous with being “of legal relevance” or “related to the courts” as it originates from the Latin adjective *forensics*, meaning “of or before the forum”. Van Rooyen (2004:7) avers that the word “forensic” has a twofold meaning: on the one hand, it refers to “courts of law, juristic or court directed and relating to the application of science to decide questions arising from crime or litigation”.

On the other hand, it incorporates the task of examination or analysis. Thornhill (1995:5) posits that the word “forensic” by itself is defined in part as pertaining to, connected with, or used in courts of law or public discussion or debate. Ubelaker (2013:1) is of the view that forensic science is “the application of knowledge and methodology in various scientific disciplines toward the resolution of legal issues”. In affirmation of this view, Jackson and Jackson (2003:xii) argue that forensic science is “the application of science in the resolution of legal disputes”. In corroboration of this view, O’Neil and Lee (2002:11) advance the argument that forensics is “the direct application of scientific knowledge and techniques to matters of law”. The modern usage of the word “forensic” denotes a form of legal evidence and serves as a short representation of “forensic science” and that it applies to lay professional investigators who are involved in the “processing of a crime scene”. Jacobs (2011:1) posits that forensics is “the use of science, technology, and expert testimony in the investigation and verification of evidence presented in criminal court proceedings”. In other words, forensic science is the application of specialist skills and knowledge to complex practical problems (Newburn, Williamson & Hulton, 2007:381).

A slightly divergent view is expressed by Van Rooyen (2004:7), who argues that forensic investigation is usually associated with the investigation of computer-related crimes, which include corruption, fraud, embezzlement and/or other white-collar crimes. Both Kennedy (2004:1) and Zysman (2006:4) agree that “forensic investigation involves the utilization of specialized investigative skills in carrying out an inquest or investigation for the purposes of a court of law”. It can therefore be concluded that forensic investigation is a specialised field and that investigators must always execute their mandate within the ambit of the law and its limitations, as stated by Van Rooyen (2004:16). As such forensic science uses advanced technologies in the pursuit of scientific evidence in various fields (Brown, 2001:3; Eterno 2012:4; Lee & Labriola, 2006:10; Ubelaker, 2013:1).

In the interest of specificity and particularity, this research is interested in defining forensic investigation. It is compelling to state, and categorically so, that forensic science and forensic investigation, although of the same stock, are not the same. As discussed above, forensic science can be interchangeably referred to as “forensics” or “medical jurisprudence”.

There is a risk that forensic investigation could be treated as forensic science. Forensic investigation is the systemic examination of crimes to discover facts and truths (Jacobs, 2011:1). In other words, “forensic science” is the generic term while “forensic investigation” speaks of specific techniques and methods used in a criminal inquiry. This study also focuses on and discusses what a forensic investigator is.

2.3 PURPOSE OF AN INVESTIGATION

According to Dempsey (2003:29), “an investigation is the systematic and thorough examination or inquiry into something or someone, collection of facts or information and recording of this examination or inquiry in a report.” The author identifies the purpose of an investigation as “determining if there is sufficient factual evidence to support or defeat each element of a cause of action; accumulating all the necessary factual evidence to prove or defeat a case at trial or to form the basis for settlement; locating leads to additional evidence; locating persons or property and finding evidence that might be used to discredit a witness or the opponent”. This view is further supported by Casey (2004:91) and Hess and Ortlmann (2010:8), who both agree that the purpose of an investigation is “(1) to determine whether a crime has been committed, (2) to legally obtain information and evidence to identify the responsible person, (3) to arrest the suspect, (4) to recover stolen property, (5) and ultimately to present the case to the prosecutor”.

2.4 OBJECTIVES OF A FORENSIC INVESTIGATION

According to Lee, Palmbach and Miller (2001:7), the objectives of an investigation are to “recognize, collect and reconstruct all the relevant physical evidence at the crime scene”. Brown (2001:3) submits that “... the ultimate goal of any investigation is to determine the truth about how a crime was committed.” Khan (2007:17), Becker (2005:12) and Dutelle (2011:6-7) all share the view that the objectives of any investigation are; (1) detecting whether a crime has been committed, (2) locate and identify suspects at a crime scene and before it is processed, (3) locate, record, process and preserve all the evidence at a crime scene, (4) ensure that all suspects have been identified and arrested, (5) recover any stolen property, (6) prepare all the evidence to be presented at a trial and (7) ensure that successful convictions are achieved. Ward (2010:5) also submits that the objectives of an investigation include:

“to determine if a crime has in fact been committed, visual inspection of the crime scene area and interviews with victims and witnesses will be of great assistance; to identify the offender, the use of photographic albums, previous crimes, personal information and modus operandi are key factors; to apprehend the offender, the arrest of a suspect at the crime scene if he is present and there is reasonable cause to believe that a crime has been committed; to gather and preserve evidence, the protection of evidence is achieved by covering the suspect area with such protective material; aid in the prosecution and conviction of the perpetrator; and, to recover stolen property, interviews with suspects, relatives, associates and visiting pawn shops may assist in the recovery of stolen property”.

Modern forensic science can be applied to a broad range of crimes. In other words, it has a broad range of applications. The list of crimes that it seeks to investigate can be enumerated as follows, but are not limited to: white collar crimes, victimless crimes, street crimes, property crimes, violent crimes, gang-related crimes, hate crimes, domestic violence, occupational crimes, corporate crimes, computer crimes, sex crimes and terrorism (Eterno, 2012:4). This list, however, is neither exhaustive nor is it exclusive. It seeks to establish, for example, whether or not any laws or regulations have been violated in the marketing of foods and drinks (Walker, 2014: internet), the manufacture of medicines (Lee & Harris, 2000:20), or the use of pesticides on crops (Lee & Harris, 2000:18). It can also determine whether automobile emissions are within a permissible level and whether drinking water meets legal purity requirements. Forensic science is used in monitoring the compliance of various countries with such international agreements as the Nuclear Non-Proliferation Treaty and the Chemical Weapons Convention and to learn whether a country is developing a secret nuclear weapons programme.

However, forensic science is most commonly used to investigate criminal cases involving a victim, such as assault, robbery, kidnapping, rape or murder. This presents a challenge for this research as it seeks to investigate corruption. Corruption is loosely defined as wrongdoing by those in a special position of trust. It is also defined as the self-benefiting conduct by public officials and others dedicated to public service (Rose-Ackerman 1999:4).

It is difficult therefore to prosecute corruption as the conduct can be broad and never specific. It could be prosecuted under fraud, forgery, money-laundering, computer crimes or corporate crimes. The lack of an all-encompassing and specific definition of what corruption is poses a particular challenge for this research. Forensic science relies so much on physical evidence (Lee & Harris, 2000:3). To circumvent this challenge, the term “forensic investigation”, as it is applied in this research, is used to refer to investigations into financial crimes such as corruption, money-laundering, fraud, racketeering, forgery, tax evasion, embezzlement, nepotism, cronyism, favouritism, abuse of power, conflict of interest and bribery. Lambrechts (2001:93) and Gardner (2005:1) conclude that forensic investigation is aimed at constituting criminal proceedings.

Today in the United States of America (USA) and indeed in other regions in the world, combinations of medical and legal antiquities are used to deal with crimes. This tradition has its origins in 12th century England, at a time when King Richard I established the Office of the Coroner. It was the coroner’s main duty to keep a record of all matters relating to crime in the county. The coroner was also the investigator of all deaths suspected to be as a result of suicide or homicide. This marked the beginning of scientific investigation of unnatural deaths and it culminated in 1807 when the University of Edinburgh established a Department of Legal Medicine (Lee & Harris, 2000:89).

2.5 THE MANDATE TO INVESTIGATE

The South African Police Service Act (Act 68 of 1995) states that the investigation of all committed crimes lies with the police. In *S v Botha and Others* (1) 1995 (2) SARC 598 (w), the defence attorney also referred to section 215(b) of the South African Interim Constitution (Act No. 200 of 1993) and argued that according to section 215(b) only police officials could investigate crime and that no other body possessed this authority. Serious criticism can be raised against both the South African Police Service Act (Act 68 of 1995) and section 215(b) of the South African Interim Constitution Act 200 of 1993, in view of the fact that, as a study conducted by Shah (2002:39) has shown, there are many other role players in the fight against crime. Through experience in investigations the researcher is familiar with the fact that the corporate, private security and public sectors also have a legal responsibility to conduct criminal investigations.

This supports the view of Van Rooyen (2004:1), who writes that corporate bodies, government departments and the private investigation industry have created their own internal investigation structures. An explanation of this is that various statutes also confer a certain degree of investigative powers on corporate bodies and government departments, as noted by Swanepoel (2001:3-7). It is the submission of Sennewald and Tsukayama (2001:11) that “the primary objective of investigations in the public sector is to serve the interest of the society and the primary objective of the investigative process in the private sector is to serve the interests of the organization, and not the society as a whole.” With regard to the mandate to investigate, in *S v Botha and Others* (1) 1995 (2) SARC 598 (w), the judge conversely ruled that it is not the purpose of section 215(b) to prevent someone who is not a member of the SAPS from conducting an investigation. The judge said that various institutions conduct their own investigations and then hand over the evidence to the police. In addition, as observed by the researcher, those institutions can only use the evidence for internal disciplinary actions and have to rely on the police if they wish to press criminal charges against an accused.

The SAPS is mandated in terms of section 205 of the Constitution of the Republic of South Africa (South Africa, 1996) to combat and investigate all crimes. It is a widely held view that the SAPS is unable to investigate all crimes owing to human resources constraints, particularly in cases that require specialist knowledge and skills. For this reason, various government agencies and parastatals, such as Eskom, Telkom and Transnet, have set up their own internal investigation units (see *S v Botha and others* (1) 1995 (2) SACR 598 (W)).

In *S v Botha and others* (1) 1995 (2) SACR 598 (W), the majority of the investigation was conducted by the Eskom corporate investigators. The accused argued that his right to a fair trial was jeopardised by this. The court held that the SAPS does not have the sole mandate to investigate crime and that private and corporate institutions conduct their own investigations before handing them over to the SAPS to institute criminal proceedings. Even though these institutions conduct their own investigations, their findings are still delivered to the SAPS for the institution of prosecution (Van Rooyen, 2004:3).

Forensic science as practised today is a high-technology field that uses electron microscopes, lasers, ultraviolet and infrared light, advanced analytical chemical techniques, and computerised databanks to analyse and research evidence. Within the broad area of forensic science, there are many sub-specialities, including pathology (the examination of body tissues and fluids), toxicology (the study of poisons, including drugs), odontology (the study of teeth), psychiatry, anthropology (the study of human beings), biology, chemistry, engineering, photography and physics (Lee & Harris, 2000:21). The medical examiner may call on forensic scientists who are specialists in these various fields for help in investigating a crime. For example, whenever it is suspected that drugs or poisons are involved in a crime, the medical examiner must obtain the services of a toxicologist. Toxicologists detect and identify any drugs or poisons present in a person's body fluids, tissues, and organs. This type of investigation is conducted not only on the victim but, where possible, also on the suspected perpetrator of the crime. Forensic odontology was started in 1974 (Howe, Duval, Shepard & Gaffney, 2013:6). Forensic odontologists examine and characterise the teeth of unidentified bodies when fingerprints or other identification is not available (Lee & Harris, 2000:21). The dental charts of missing individuals can then be compared with the forensic odontologist's report to identify the body (Pretty *et al.*, and Clement *et al.*, 2013:179).

Forensic anthropology was started in 1973 in America (Howe *et al.*, 2013:6). Forensic anthropologists are trained to determine the sex, height, weight, and ethnic group of a deceased person from an incomplete body (Lee & Harris, 2000:21). Marks on the bones often indicate past injuries, diseases, and occupational stresses suffered by the individual. Investigators can identify a body by comparing old X-rays and the medical history of a missing person with the findings of the forensic anthropologist. In light of the South African legislation, it can be concluded that the SAPS is not the only body in South Africa mandated to conduct any form of investigation. Other institutions that have a similar mandate to investigate any form of criminal activity are discussed below.

2.5.1 Corporate investigators

Corporate investigators work for companies, not law or investigative firms, to conduct internal or external investigations with the view to prevent criminal acts, theft and fraud by

suppliers, property damage, drug abuse and fraud by employees in an organisation (Dempsey, 2003:397; MacHovec, 2001:7). Dempsey (2003:24) further submits that the reason that private investigators are needed is because “police power and resources are limited. There are areas of criminal and noncriminal activities where conventional law enforcement is either ill equipped or otherwise prohibited from getting involved.” The Private Security Industry Regulation Act confers powers on corporate investigators to conduct investigations relating to wrongdoing by officials. Corporate investigators have the power to obtain statements and documentary evidence and to serve as witnesses.

2.5.2 External auditors

The Auditing Profession Act (Act No. 126 of 2005) provides for the investigations of unlawful acts or omissions by management responsible for an entity. Auditors investigate fraudulent activities, corruption and maladministration in connection with the finances of an entity. The evidence collected is handed over to the police and the auditors are used to provide expert evidence in court. The above discussion leads to the conclusion that, although the abovementioned organisations are capable of conducting their own investigation, they still need to rely on the police to assist should they decide to charge the offenders criminally. While investigators from organisations outside the SAPS can conduct investigations, it is expected of them to have certain qualities to carry out their mandate effectively. The qualities of an investigator are therefore the next point of discussion.

2.5.3 Forensic investigator

McMahon (2007:3-4) identifies an investigator as “a professional researcher who uses observation, inquiry, examination and experimentation to obtain evidence and factual information upon which sound decisions are made”. The author goes on to explain that to be a successful investigator, the following trades or guidelines must be taken into cognisance:

- Ask as many questions as possible when seeking information;
- Recognise that suspects, criminals and other subjects of investigation come from all walks of life, races, sexes and a variety of lifestyles;
- When investigating a crime scene, do not commit yourself to the guilt or innocence of anyone;

- Do not be overconfident but be certain that you have gathered all the relevant information;
- Do not jump to conclusions;
- Never take things for granted and never make any assumptions on the amount of information you will need to begin searching;
- Work with evidence you find at the scene and examine all evidence carefully; and
- Develop informants and sources of information before you need them; they are your primary source of information.

For the purpose of this study the term “investigator” also includes and refers to crime investigators, forensic investigators, corporate and private and/or security investigators. The researcher also attempts to determine what the purpose of forensic investigation is and whether any difference exists between forensic investigation and criminal investigation. According to Hess and Ortlmann (2010:6), “forensic science involves applying scientific processes to solve legal problems with the criminal justice system context”. Naftel and Dalrymple (2011:3) also support the view that the term “forensic” is effectively a synonym for “legal” or “related to courts”. Houck (2007:2) agrees with definition provided by the authors that forensic means “as applied to public or legal concerns”.

Together, these authors hold that “forensic science” is an appropriate term, which answers scientific questions for the courts. “Forensic investigation is when scientific methods are applied to clarify the circumstantial evidence with the intention of resolving legal disputes” (Jackson & Jackson, 2004:xiii). According to Pollex (2001:93), “Forensic investigation can be defined as an investigation aimed at instituting court proceedings and where some or other scientific knowledge is applied to a legal problem. Difference between forensic investigation and forensic science is well catered for in the latter definition. It means that forensic science is applied to investigation to bring about forensic investigation. The former is therefore a body of knowledge while the latter is deemed a process”. “Crime investigation can be seen as a process whereby detectives use their skills as interviewers and persuaders to obtain information regarding guilt or innocence” (Gilbert, 2004:17).

Marais (1992:1) defines criminal investigation as “a lawful tracing of people and instruments which may directly or indirectly contribute to a reconstruction of a crime situation and supply the information about the people involved in it. If simplified, criminal investigation can be defined as a search for the truth about the incidence of crime.”

2.6 QUALITIES OF THE INVESTIGATOR

According to Shaler (2012:31), “the hallmark of any successful investigation is team effort, how well its leader uses scientific methods, thinks critically and creatively, applies inductive, deductive and abductive logic.” Karagiozis and Sgaglio (2005:112) assert that:

it is of paramount importance for the investigator to be observant when approaching, entering and exiting a crime scene. The safety and physical well-being of police officers and other persons in and around the crime scene are the investigator’s initial priority.

Sennewald and Tsukayama (2001:21-22) submit that “investigations are at times tedious, exhausting, frustrating, time-consuming and sometimes they become a dirty game. Perseverance is the one overriding human trait or characteristic among the many deemed necessary or at least highly desirable for investigative work.” Nicholson (2000:3-5) and McMahon (2007:4-7) share the view that to be a successful investigator, the following *attributes* are necessary: suspicion, curiosity, memory, an unbiased and unprejudiced mind, persistence, street sense, good listening skills, good manners and flexibility. Nicholson (2000) and McMahon (2007) further identify that the following *qualities or characteristics* of an investigator are of paramount importance: observance, resourcefulness, patience, people-orientation, understanding of human behaviour, knowledge about legal implications of the work, skilled communicator, receptivity, possession of a sense of well-being, dedication to the work, a self-starter, scepticism, intuition, energy, a good actor, capacity for good judgement, logicity, intelligence, creative imagination, good character and professionalism.

Swanson, Chamelin and Territo (2003:29) also identify some of the qualities of an investigator as follows:

[Investigators] invariably have a strong degree of self-discipline; use legally approved methods and are highly ethical; have the ability to win the confidence of people with whom they interact; do not act out of malice or bias; include in their case documentation all evidence that may point to the innocence of the suspect, no matter how unsavory his or her character; have wide-ranging contacts across many occupations and use both inductive and deductive reasoning.

2.7 METHODS AND TECHNIQUES USED DURING THE INVESTIGATION OF CORRUPTION

According to Man-wai (2006a:140-143), corruption is by nature a secretive and most difficult crime to investigate because in most cases there are no crime scenes, fingerprints or eye-witnesses; instead, the crime involves two satisfied parties. To be a competent investigator of corruption cases, one should have a variety of skills and techniques. For example, the investigator should have the ability to identify and trace people, companies or properties; and the skills and techniques necessary for interviewing people, examining documents, investigating financial crimes, conducting a search and arrest operation, performing physical and technical surveillance, acting as an undercover agent, handling informers, conducting an entrapment operation and organising witness protection.

According to Bennett and Hess (2004:5), the success of any investigation depends on the following: witnesses being identified and interviewed; logical order of events being established; evidence collected and secured at the scene according to the prescribed law; all suspects being identified and thoroughly interviewed; all leads and information being followed and thoroughly investigated; and all information being thoroughly recorded and reported. According to Gilmore (2008:29), the first step in deciding whether or not to investigate an allegation is to conduct a preliminary examination of the validity of the allegation and to consider whether an investigation could be successfully pursued, and who should do it.

“Gilmore (2008) suggests that the following criteria be taken into account in establishing whether to investigate an allegation: whether the allegation or complaint involves a wrongdoing; whether adequate information is available to proceed; whether the parties alleged to have committed the wrongdoing are identifiable; whether the Forensic Investigation Unit in the City of Tshwane Metropolitan Municipality will be able to demonstrate that it has the authority to conduct an examination; whether adequate records and other evidence are likely to be available; whether the number of resources at risk are material; and whether wrongdoing is significant in terms of ministerial accountability to Parliament. From the above studies, it is apparent that forensic investigation involves the use of scientific methods and techniques to reconstruct circumstances surrounding criminal activities and to use evidence collected successfully for the prosecution of offenders.

2.7.1 Identification of crime

According to Horswell (2004:9), the investigator has first to establish whether an offence has in fact been committed and, if so, then to determine the nature of the offence. Byrd (2004:1) explains that before investigators gather information, they should start by identifying all relevant information that can give an indication of the crime committed. The author further explains that investigators should be able to recognise and identify all relevant information that can shed light on the crime committed before such information can be collected. The evidence will then be considered to determine the unlawful nature of the event, as noted by Horswell (2004:7).

2.7.2 Collection of evidence

The next objective of investigation is to collect evidence. Ogle (2004:20) and Fisher (2004:55) mention that the investigator should always exercise reasonable care when gathering evidence. Fisher (2004:53) explains that each piece of evidence should be identified, collected and preserved as a separate entity. Genge (2002:8), Fisher (2004:53) and Tilstone (2013:332) are of the view that evidence must be collected with due care to protect its identity and integrity and ultimately so that it can provide legally admissible evidence in a court law.

Tilstone (2013:348) asserts that forensic evidence is generally collected and made use of to answer three major questions: “WHAT happened? HOW did it happen? and WHO was involved?” Byrd (2004:1) provides the following as reasons for gathering evidence: “to prove that a crime has been committed; to establish any key elements of a crime; to link a suspect to a crime scene; to establish the identity of a victim or suspect; to corroborate verbal witness testimony and to acquit the innocent”.

2.7.3 Identification of suspects

The other objective of investigation is the identification of a suspect. Dowling (1997:2) explains that it is the primary task of the investigator to identify who committed the crime. Van der Westhuizen (1996:6) provides an important point in achieving this objective, which is that the investigator should link the suspect to the information and facts collected during the investigation. Once the suspect is identified, an arrest can then be made. Osterburg and Ward (2010:8) further asserts primarily investigations are necessary to identify perpetrators but the ability to bring a suspect to court, will depend on the evidence necessary for a conviction.

2.7.4 Securing the attendance of the accused in court

According to Van der Westhuizen (1996:7), “the purpose of arrests is to ensure the attendance and presence of the accused at court.” Lee and Harris (2000:14), however, suggest that any investigator should first identify the suspect who committed the act. Although the researcher has not effected any arrests before, it is through the literature reviewed for this study that he understands that arrests can only be effected once all the relevant information has been collected and secured, and the suspect identified and linked to the criminal activity.

2.7.5 Disciplinary hearings

The Disciplinary Code and Procedures allows for regulated changes to the application of suspensions within the Public Service environment. It makes provision that suspensions should be with pay and that any disciplinary hearing should be held within one month of suspension. However, Resolution 1 of 2003 extended the period of suspension to 60 days within which a hearing should be held” (PSC, 2011:ii).

The Public Service Co-ordinating Bargaining Council (South Africa, 2003) and the Senior Management Service Handbook Chapter 7 (South Africa. DPSA, 2003:2) are of the view that “If an employee commits misconduct that is a criminal offence, the criminal procedure and the disciplinary procedure will continue as separate and different proceedings.” In the view of the researcher, this may also be the reason that disciplinary cases in the public service may take a long time to be resolved.

[The purpose of the code amongst others includes: supporting constructive labour relations; promote mutual; ensure a common understanding of misconduct and discipline; promoting acceptable conduct; and, avert and correct unacceptable conduct (Disciplinary Code and Procedures, 1999)].

According to the Senior Management Service Handbook of the DPSA:

An ethical culture will not be developed in an environment where mechanisms for the detection, investigation and institution of misconduct are ineffective. In reinforcing high standards, prompt and decisive disciplinary actions should be seen as the order of the day. There must be a will to use such mechanisms and actions which can demonstrate to staff and the community that government is committed to eliminating unethical conduct. (South Africa. DPSA, 2003:7)

The PSC (2011:viii) states that:

Public officials may be put on precautionary suspensions depending on the nature of the cases against them which are usually of a serious nature. Some of the serious charges that could be laid against public officials may include; financial misconduct; insubordination; failure to bank state money; gross negligence; theft; driving under the influence of alcohol; misusing state property; fraud; corruption; dangerous weapons (firearm); sexual harassment; unauthorised expenditure; and tender process irregularity.

This view is also supported by the Senior Management Service (SMS) Hand Book (2003:5-6), which states that “if the alleged misconduct justifies a more serious form of disciplinary action, the employer may initiate a disciplinary enquiry. The employer must appoint a person, from within or from outside the public service, as its representative to initiate the enquiry.” It SMS further states that “precautionary suspensions or transfers do not constitute a judgement, and must be on full pay.” The Public Service (Disciplinary) (Amendment) Regulation 2002 amends the Public Service (Disciplinary) Regulation (as amended by the Public Service (Disciplinary) (Amendment) Regulation 2000) so that certain disciplinary powers and functions may be exercised by an officer appointed by the Chief Executive or exercised by Heads of Departments in relation to certain classes of officers. The powers and functions relate to – (a) the withholding of salary of an officer on his criminal conviction; (b) the imposition of punishment; (c) the approval of delegation of powers by a Head of Department; (d) the summary dismissal of an officer for his absence without leave; and (e) the appointment of an officer to assist in an inquiry and the receipt of a report on an inquiry; parallel processes; discipline regulations; and Protected Disclosures Act (Act No. 26 of 2000).

2.7.6 Prosecution

According to Van der Westhuizen (1996:7), “a successful prosecution will always be dependent on the knowledge, skills, expertise and competencies of an investigator who conducted the initial investigation.” This view is supported by Palm (2000:35), who asserts that the investigator is the one who can in most instances assist prosecution in reconstructing a crime and presenting evidence.

2.7.7 Recovery of stolen property

“The purpose of recovering stolen property is to minimise losses suffered by the victim and to further present the recovered property as evidence at court” (Van der Westhuizen, 1996:7). Dowling (1997:4) encourages investigators always to make an extra effort in recovering stolen property for presentation in court.

2.8 EXPERT TESTIMONY IN THE INVESTIGATION OF CORRUPTION

In America, district attorneys, as and when required, call on expert medical examiners to assist in giving testimony in a trial related to the findings of an autopsy and the results of

laboratory tests. These experts are being recognised by the court as having expert knowledge about evidence in a case. There are also various rules that govern such expert testimony as compared to the testimony of ordinary witnesses in a trial. Ordinary testimony of what a witness actually saw or heard is restricted to statements concerning the crime itself. Ordinary witnesses in a trial are prohibited from giving opinions and from quoting statements made by other people. In contrast, expert witnesses are allowed to express an opinion on the validity of the evidence presented and may also quote the statements of other experts in support of an opinion when necessary. This view is supported by Sanchez and Zhang (2012:105), who assert that accountants and auditors play a vital role in a trial, the role of an expert witness. Accountants and auditors give testimony in court regarding the client's financial position and can also give an expert opinion based on their findings.

2.9 THE RESPONSIBILITY AND FUNCTIONS OF CITY OF TSHWANE FORENSIC INVESTIGATION UNIT

The City of Tshwane Metropolitan Municipality Division of Forensic Services has a section of Fraud Investigation, which includes two sub-sections: Conduct, Anti-Corruption & Incidents Investigations and Observations and Entrapment Services. Within the sub-section Conduct, Anti-Corruption & Incidents Investigations, there are two functional units: Conduct & Anti-Corruption Investigations and Incidents Investigations. These units employ two senior forensic auditors, six senior investigating officers, 16 investigating officers and five inspectors.

The Division investigates most forms of the manifestation of corruption; fraud and corruption, theft, extortion, bribery, embezzlement, nepotism, abuse of power, favouritism, insider trading/abuse of privileged information, conflict of interest, tender irregularities, maladministration and misconduct, unethical behaviour, housing irregularity, reckless and negligent driving, abuse of CoT property, illegal connection (water and electricity), irregular appointment of service providers, tender irregularity and irregularity on leave discrepancies. It should further be noted that some of these cases, which are considered complex and outside the scope of the Division of Forensic Services, are outsourced, co-investigated with the SAPS and/or further investigated by the Office of the Public Protector

and the SIU. The Public Finance Management Act, holds government officials accountable for unauthorised expenditures and the Promotion of Access to Information Act ensures that public agencies cannot hide information that should be available to the public. The Public Service Anti-Corruption Strategy, (South Africa. DPSA, 2002), which was adopted in 2002, outlines the government's anti-corruption efforts. The purpose of the strategy is to prevent and combat corruption through a multiplicity of supportive actions and is informed by the following principles, which were developed to assist in rooting out corruption: the need for a holistic and integrated approach to fighting corruption, with a balanced mixture of prevention, investigation, prosecution and public participation as the platform for the strategy; constitutional requirements for the criminal justice system and public administration; public service tailor-made strategies that operate independently but complementarily to national strategies, particularly with regard to detection, investigation, prosecution and adjudication of acts of corruption, as well as the recovery of the proceeds of corruption; and acts of corruption are regarded as criminal acts and these acts can be dealt with either in the administrative or criminal justice system, or both if necessary (South Africa. DPSA, 2002:11).

The Department of Provincial and Local Government developed and launched an anti-corruption strategy aimed at preventing and exposing corruption at local government level. The main principles of the strategy include creating a culture within municipalities which is intolerant of unethical conduct, fraud and corruption; strengthening community participation in the fight against corruption in municipalities; deterrence of unethical conduct, fraud and corruption; preventing unethical conduct, fraud and corruption which cannot be deterred; detection of unethical conduct, fraud and corruption; investigating detected unethical conduct, fraud and corruption; taking appropriate action in the event of such irregularities, e.g. disciplinary action, recovery of losses, and prosecution; and applying sanctions, which include redress in respect of financial losses (South Africa. Department of Provincial and Local Government, undated:3). "The Gauteng government in 2009, through the development of the Gauteng Anti-Corruption (GAC) Strategic Framework sought to enhance anti-corruption efforts in the province. The framework deals with related issues of fraud and ethics. its objectives include: fighting fraud and corruption, identifying common strategic priorities in combating corruption; promoting good

governance and best practice; promoting professional ethics; magnifying government's efforts to create awareness, training and education about corruption; create a culture of zero-tolerance for corruption and whistle-blowing; and, strengthen compliance and enforcement of regulatory mechanisms and accountability of public servants" (South Africa, 2009:8-9).

2.10 SUMMARY

This chapter defines the various terms that are often used interchangeably to define forensic science. All of the definitions explored seem to converge on the fact that "forensic science" is the use of scientific knowledge to produce scientifically valid evidence in pursuit of criminal justice. Forensic investigation involves the use of scientific methods and techniques to reconstruct the circumstances surrounding criminal activities and the successful use of evidence collected throughout the investigation, with the aim of prosecuting offenders. These methods and techniques include the identification of a crime; collection of evidence; identification of suspects; securing the attendance of the accused in court; disciplinary hearings; prosecution and recovery of stolen property.

CHAPTER THREE

STANDARD PROCEDURES FOR INVESTIGATING CORRUPTION CASES

3.1 INTRODUCTION

This chapter addresses corruption as a global phenomenon. It looks at the South African Legislative framework, good governance and accountability, principles of national integrity, code of conduct for the public service, duty to report known or suspected corrupt transactions, the effects of corruption, the role of government in curbing corruption, the role of oversight bodies in curbing corruption, the various forms in which corruption manifests itself, the approach to managing and preventing fraud and corruption, and lastly, investigation capability.

3.2 SOUTH AFRICA'S LEGISLATIVE FRAMEWORK

South Africa is not the only country, in as far as corruption is concerned, struggling with strategies to curb and prevent corruption in its various forms of manifestation. This struggle has become a worldwide phenomenon. In his 2015 State of the Nation Address (SONA), President Jacob Zuma also contends that:

The fight against corruption continues to be taken forward by the Anti-Corruption Inter-Ministerial Committee. Government has in place seven anti-corruption institutions and seventeen pieces of legislation which are intended to combat corruption. This demonstrates a concerted effort by government to break the back of this scourge in the country. In the 2013/14 financial year, 52 persons were convicted in cases involving more than five million rand. Thirty one public servants were convicted in the first quarter of 2014/15 and freezing orders to the value of 430 million rand were obtained. (Zuma, 2015)

According to the DPSA (South Africa. DPSA, 2003),

It is important that South Africa continues to participate in the development and implementation of anti-corruption legal instruments at the international level and also provide support to various international and regional strategies and mechanisms for the promotion of good governance and anti-corruption. This

particular role of South Africa rests, inter alia, on its leadership within the framework of the New Partnership for Africa's Development (NEPAD).

International recognition of the scale of corruption has led to various and important international and regional conventions aimed at dealing with corruption. South Africa is one of the countries that are co-signatories to some of the conventions listed below:

- The African Union Convention on Preventing and Combating Corruption (AU Convention);
- The UN Convention against Transnational Organised Crime (UNTOC);
- The Southern African Development Community Protocol against Corruption (SADC Protocol);
- The United Nations Convention against Corruption (UNCAC);
- The Southern African Development Community Protocol on Combating Illicit Drugs (SADC Drugs Protocol); and
- The Organisation for Economic Co-operation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention).

Over and above these agreements, South Africa braces itself with the following legislations that deal with corruption in both national and local governments:

- PFMA;
- Local Government: Municipal Finance Management Act;
- Protected Disclosure Act; Constitution of South Africa (Chapter 10);
- PCCA;
- Prevention of Organised Crime Act;
- Promotion of Access to Information Act;
- Promotion of Administration Justice Act;
- Witness Protection Act; and
- Financial Intelligence Centre Act.

3.3 GOOD GOVERNANCE AND ACCOUNTABILITY

According to Madonsela (2010:2),

Most authorities on the issue of corruption and good governance are adamant that the single most important factor is the human element. In other words we need to address human values and behaviour. Having a good and preferably, transparent governance and administration systems is part of the package. A huge part of the human element that is critical for promoting good governance involves the values of the community within which we seek to fight corruption.

Madonsela (2010:2) is further of the view that the human element has three dimensions. These are the values of each individual, community values and political will at all levels of leadership. It is particularly important that the community's understanding of corruption and consensus on what is inappropriate is in synch with those that are formally charged with combating corruption. This view is further supported by Mufamadi (2002:i) in Department: Provincial and Local Government (South Africa – Promoting Good Governance and Accountability- Local Government Anti-Corruption Strategy) , who states that

The initiative to promote good governance and accountability is premised on the principle that serving the public is fundamentally a privilege. This means that the discipline and integrity required of those who serve the public as elected representatives or appointed administrators, is higher than that expected of other sectors in our society. The obligations of public office need honest and ingenuous accounting, but also require a commitment to democratic process.

According to the Senior Management Service Handbook (South Africa. DPSA, 2003:4), “accountability is fundamental to good governance and is one of the essential elements of ethical administration. The perceptions of the public on the state of governance and administration are to a large extent determined by whether the government and administration are seen to account for its actions”.

According to the United Nations Economic Commission for Europe (UNECE, 2008:13-14), “good governance is open to wide interpretation and includes six core principles which are widely accepted: (1) Participation: stakeholder involvement; (2) Decency: formation and stewardship of the rules without harming or causing grievance; (3) Transparency: openness with which decisions are undertaken; (4) Accountability: political responsibility to society for their actions; (5) Fairness: rules are consistently applied to everyone in society; and (6) Efficiency: limited resources (human and financial) are applied without waste, delay.” The Internal Audit Framework as outlined by the National Treasury (South Africa, National Treasury, 2009:7) emphasises governance by asserting that “the role of the Internal Audit Activity with respect to good governance should be to assist the organisation in achieving its goals, creating and maintaining particular values.” This view point is further supported by the Institute of Internal Auditors (2014:5), which states that:

the role of internal audit in anti-bribery and anti-corruption programs will depend on the organization’s governance structure. Internal audit’s level of involvement should be recommended by the Chief Audit Executive and approved by the board. Internal audit can play a significant reinforcing role in the importance of anti-bribery and anti-corruption programs.

It is the submission of Malunga (2013:5) that “the major reasons for fraud and corruption as identified by the Auditor-General, relate to a lack of controls, mismanagement and lack of governance principles.” The author provides other reasons, which include: overriding of internal controls; improper political and administrative interface; collusion between employees and third parties; poor internal controls; lack of accountability/weak accountability frameworks; poor ethical culture and poor values; poor hiring practice (filling of vacant posts, nepotism, cronyism); and weak national and provincial oversight of local government. The Auditor General does so through the appropriate accountability and by evaluating processes that contribute to the achievement of the goals and values as mentioned herewith, specifically the communication of the goals and values and the processes used to monitor their respective achievement.

It is the submission of Marques (2014:43) that:

internal audit plays a crucial role in the prevention of fraud and corruption in Public Service. It aims to develop an action plan that will help the organization achieve its goals by adopting a systematic and disciplined approach to evaluate and improve the effectiveness of risk management processes in order to add value and improve operations and performance of an organization.

Mafunisa (2008:84) contends that:

public employees should know their rights and obligations when exposing wrongdoing. Public employees need to know what their rights and obligations are in terms of exposing actual or suspected wrongdoing within the public service. Public employees also need to know what protection will be available to them if they wish to expose wrongdoing, for example by whistle blowing. In South Africa the Protected Disclosures Act 26 of 2000 protects whistle blowers if the disclosure is made in good faith.

The effects of corruption in South Africa can be compared to the debilitating effects of the HIV/AIDS virus, which sees no colour, age, gender or degree of wealth. Corruption undermines the very constitutional rights of every citizen.

“Corruption is behind a lot of the underdevelopment in our countries and continent. It causes, among others, poor quality goods and services, lack of efficiency, excessive costs, and ineffective public programmes. Corruption basically destabilises societies. In many instances corruption also endangers the security of our states (Madonsela, 2010:3)”.

Klitgaard in his hypothesis submits that: corruption is a crime of calculation, not of passion, and people tend to engage in corrupt acts when risks are low, penalties are light and compensation is high (Klitgaard et al, 1996; Klitgaard et al, 2000).

The hypothesis is based on the following analogy: C (corruption) = M (monopoly) + D (discretionary power) – A (accountability). In trying to fight this scourge of corruption, South Africa subscribes to the multinational agreements that have been duly co-signed and has also in its capacity as a rainbow nation, multi-agencies to help fight this phenomenon; for example, the Special Anti-corruption Unit (SACU) (in the DPSA), Auditor-General South Africa (AGSA), and Public Protector, the SAPS, Independent Complaints Directorate (ICD), National Prosecuting Authority (NPA) and the PSC to mention but a few.

According to Mafunisa (2008:85),

ethical codes are general statements of principles. How public employees interpret these principles and understand their meaning depends on the ethical culture of the public service. The ethical culture provides the contextual significance that translates these principles into actions. The codified principles only have practical significance in so far as they are exemplified in the behaviour of those modelling behaviour within the public service. Especially influential as ethical role models are the people who hold positions of responsibility. These persons usually occupy positions at a higher level on the institutional structure than those looking to them for ethical guidance.

As we try to unravel and understand the reasons that South Africa is failing in the fight against corruption, which has exacerbated to unacceptable levels since 1994 when the new government took over, perhaps the focus should have been on building integrity in the South African public service. Chapter 10, section 195 of the South African Constitution outlines the very basic principles of integrity, which are supported by the PSC (2006:6-9) and the DPSA (South Africa. DPSA, 2003:33-34), that should have been the basis to fight corruption from the very beginning. The Council for the Advancement of the South African Constitution (CASAC) (undated:17) is of the view that:

despite the large number of organisations mandated to combat corruption, and despite the clear international obligation to educate the public on the harms of

corruption, there is no institution in South Africa with a clear mandate to educate South Africans, raise awareness about corruption and to conduct a public campaign of any kind. A body such as the National Anti-Corruption Forum (comprising representatives of business, government, and civil society) could have played such a role but this entity has proved ineffective.

Perhaps a different approach should be taken in the fight against corruption in South Africa. Instead of focusing on the anti-corruption fight, the focus should now be shifted to building a national integrity system in the South African public service, based on the Constitution. The principles that are of paramount importance in building integrity in the public service include: a high standard of professional ethics; productivity: using the resources of state economically, efficiently and effectively; accountability and stewardship in the use of the state's resources; transparency: giving the public accurate, timely, useful and accessible information; and lastly, appointments in the public service must be based on objective, fair considerations as well as objectivity. This view coincides precisely with the PSC report (PSC, 2006), which outlines the nine constitutional values and principles for public administration as enshrined in Chapter 10 of the Constitution and the Internal Audit Framework (South Africa. National Treasury, 2009:4).

Causes of corruption in the public or private sector include but are not limited to weak leadership, political interference in operations, vacancies in critical posts, poor financial management administration, lack of transparency and accountability, weak and ineffective platforms for public participation and communication with communities. (South Africa, 2014-2019:27). "There can be no doubt that the absence of ethical leadership and governance emboldens criminals whose entire aim is to make a profit; by any and all means. For many countries the rampant corruption is so insidious, so entrenched that it colours perceptions and actions a complacent shade of 'go-with-the-flow-grey'" (Makhanya, 2014:3).

3.4 PRINCIPLES OF NATIONAL INTEGRITY

According to Madonsela (2010:5), the Public Administration and Management Act (Act No. 11 of 2014) (South Africa, 2014) and the PSC (2002:2), the Constitution of South Africa (Chapter 10) requires that the public service should: be governed by the democratic values and principles of the Constitution, section 195; maintain and promote a high standard of professional ethics; promote efficient, economic and effective use of resources; be orientated towards development; deliver services impartially, fairly, equitably and without bias; respond to people's needs and encourage public participation in policy matters; be accountable for its actions; be transparent by providing the public with timely, accessible and accurate information; cultivate good human resource management and career development practices to maximise human potential; be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past.

3.5 CODE OF CONDUCT FOR THE PUBLIC SERVICE

The Code of Conduct is an important pillar in the establishment of good governance and ethical conduct of public servants. It also raises such issues as respect for human rights, the rule of law, accountability, and transparency in government, personal conduct and private interests. In order to give practical effect to the relevant constitutional provisions that relate to the public service, all employees are expected to comply with the Code of Conduct as provided. The Code acts as a guideline to employees as to what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with others. Compliance with the Code can be expected to enhance professionalism and help to ensure confidence in the public service. Heads of Department, by virtue of their responsibility in terms of section 7(3)(b) of the Act for the efficient management and administration of their departments and the maintenance of discipline, are, *inter alia*, under a duty to ensure that the conduct of their employees conforms to the basic values and principles that govern public administration and the norms and standards prescribed by the Act. Heads of Department should also ensure that their staff members are acquainted with these measures and that they accept and abide by them.

Anderson (2013:7) submits that “a code of conduct may clarify expectations about official integrity and reduce situations of conflict of interest, while systematic management procedures may enhance employee oversight”.

3.6 DUTY TO REPORT KNOWN OR SUSPECTED CORRUPT TRANSACTIONS

The municipal manager of a municipality is the accounting officer of the municipality and as the accounting officer must: (a) exercise the functions and powers assigned to an accounting officer in terms of the Municipal Act; and (b) provide guidance and advice on compliance with the Act. The accounting officer of a municipality must further (a) prepare the annual financial statements of the municipality and, within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing purposes; and (b) must in addition, in the case of a municipality referred to in section 122(2), prepare consolidated annual financial statements in terms of that section and, within three months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing purposes. According to the Municipal Financial Management Act, chapter 8, sections 61 and 94 (South Africa, 2003:75), fiduciary responsibilities of accounting officers include (1) that the accounting officer of a municipality must: (a) act with fidelity, honesty, integrity and in the best interests of the municipality in managing its financial affairs; (b) disclose to the municipal council and the mayor all material facts which are available to the accounting officer or reasonably discoverable, and which in any way might influence the decisions or actions of the council or the mayor; and (c) seek, within the sphere of influence of the accounting officer, to prevent any prejudice to the financial interests of the municipality. (2) An accounting officer may not: (a) act in a way that is inconsistent with the duties assigned to accounting officers of municipalities in terms of the Act; or (b) use the position or privileges of, or confidential information obtained as, accounting officer for personal gain or to improperly benefit another person.

Section 125 of chapter 12 of the Municipal Financial Management Act requires that compulsory disclosures be made with regard to: (i) any material losses and any material irregular or fruitless and wasteful expenditures, including, in the case of a municipality, any material unauthorised expenditure, that occurred during the financial year, and whether

these are recoverable; (ii) any criminal or disciplinary steps taken as a result of such losses or such unauthorised, irregular or fruitless and wasteful expenditures; and (iii) any material losses recovered or written off. It is the view of the researcher that perhaps one of the main contributions of auditing firms in curbing corruption in the South African public service should include factors like detection, investigation, deterrence and education, coupled with the required reporting on criminal and corrupt activities in the public service. Indeed, these auditing firms have a duty to report criminal and corrupt behaviour in the public service without fear or favour. According to the OECD Report (2005:13): "Clear rules that require public officials to report corruption offences of which they become aware in administering the public procurement process are essential." The PCCA (South Africa, 2004), which was introduced: to provide for the strengthening of measures to prevent and combat corruption and corrupt activities; to provide for the offence of corruption and offences relating to corrupt activities; to provide for investigative measures in respect of corruption and related corrupt activities; to provide for the establishment and endorsement of a register in order to place certain restrictions on people and enterprises convicted of corrupt activities relating to tenders and contracts; to place a duty on certain people holding a position of authority to report certain corrupt transactions. Chapter 2 of the PCCA provides for the different types of offences in respect of Corrupt Activities and contains provisions related to the following types of offences: Part 1, General Offence of Corruption; Part 2, Offences in respect of corrupt activities relating to specific persons; Part 3, Offences in respect of corrupt activities relating to receiving or offering unauthorised gratification; and Part 4, Offences in respect of corrupt activities relating to specific matters.

In terms of section 34(1) of the PCCA, any person who holds a position of authority and who knows or who ought reasonably to have known or suspected that any person has committed:- an offence under Parts 1, 2, 3 or 4 or section 20 or 21 of Chapter 2 of the PCCA (in so far as it relates to offences under Parts 1 to 4); or (b) the offence of theft, fraud, extortion, forgery or uttering a forged document; involving an amount of R100 000 or more, must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to any police official. Failure to report such knowledge or suspicion will render the person guilty of an offence in terms of section 34(2) of the PCCA.

In addition to the requirement to report to a police official in terms of section 34(1) of the PCCA, Treasury Regulation 12.5.1 issued in terms of the PFMA further requires that when it appears to officials of departments and constitutional institutions that the state has suffered losses or damages through criminal acts or possible criminal acts or omissions, the matter must be reported in writing to the accounting officer of the institution and to the SAPS. Failure to comply with the provisions of Treasury Regulation 12.5.1 constitutes grounds for financial misconduct.

According to the DPSA (South Africa. DPSA, 2003:38),

the Criminal Law Amendment Act (as amended by Act 17 of 2001) provides for the imposition of minimum sentences in respect of certain serious offences, including corruption. For example, in terms of this Act a first offender for corruption, where a case involves amounts of more than R500 000; or where a case involves amounts of more than R100 000 if committed by a syndicate or group of persons; or where a case involves more than R10 000 if committed by a law enforcement officer; must, (generally speaking), be sentenced to a minimum of 15 years imprisonment. A second offender in the same circumstances must, generally, be sentenced to a minimum of 20 years imprisonment, and a third or subsequent offender, to a minimum of 25 years imprisonment.

3.7 THE EFFECTS OF CORRUPTION

“Corruption is a universal problem that undermines growth and development by diverting resources away from development programmes. Its effects are particularly harmful to developing countries and achieving good governance and fighting corruption is amongst the most important challenges facing new democracies such as South Africa” (South Africa, 2009:3). This view is supported by the PSC (2011:vi), which has the view that “Corruption is a global concern that seriously hampers development and diverts resources from where they are needed most. The unfortunate reality is that the poor suffer most.”

According to Madonsela (2010:3),

We cannot deny that corruption is behind a lot of the underdevelopment in our countries and continent. It causes, among others, poor quality goods and services, lack of efficiency, excessive costs, and ineffective public programmes. Corruption basically destabilises societies. In many instances corruption also endangers the security of our states.

This view is further supported by Staphenurst (2006:xi, 16), who writes:

Corruption is a disease that threatens the hopes of the poor: for a better future for themselves and their children. It drains finances that might otherwise go to programs that bring education within reach of poor children, or that offer health care to an ailing farmer or a young mother ... At its root, corruption flourishes in conditions of poverty and weak public institutions. Bad incentives and systems, rather than bad ethics, induce people to act corruptly. That is why corruption tends to be more prevalent in developing and transition countries.

Adebanwi (2012:4) argues and contends that, in unpacking the general definition of corruption, glaring limitations exist, for example, it does not speak to corruption in the private sector in that, corruption may occur not necessarily for the benefit of a 'private person' but for a specific political party, class, ethnic group, friends, family and company. Corruption proceeds are however in most instances, taken and used for various political party activities.

Klitgaard (2010:23) asserts that:

corruption is like HIV/AIDS. It is a problem in every country, and especially prevalent and damaging in a few. It has aspects of a contagion. It is based on private behavior, usually consenting, which the prevailing moral code usually considers immoral. The social consequences are at many levels, including economic. Finally, the disease is difficult to combat, and it may adapt itself to efforts to defeat it.

U-Myint (2000) submits that corruption has become universal and exists in all countries, which ultimately means that there is a growing worldwide concern over corruption at the present time. U-Myint (2000:37) supports and quotes other researchers (e.g. Gray & Kaufmann, 1998), stating that “this greater recognition that corruption can have a serious adverse impact on development has been a cause for concern among developing countries so increasing public interest and concern over corruption have resulted in a large amount of scholarly research on this phenomenon.” Similarly, according to the Medium-Term Strategic Framework (MTSF) 2014-2019 (South Africa, 2014:13), “corruption impedes service delivery, compromises development and undermines public confidence in the state. It is a symptom of a wider problem relating to weak management and operations systems which create the space for corruption to occur.”

According to the Gauteng Anti-Corruption Strategic Framework (South Africa, 2009:25),

corruption in South Africa is a serious problem affecting all sectors of society that needs to be understood in the context of both globalisation and the country’s unique history. Public sector corruption drains State resources and weakens its capacity to meet the needs of its people and its ability to create opportunities for personal advancement and growth. Corruption in the public service affects the entire country; it causes problems for individuals, for groups of people, for communities and for the country as a whole.

Ferreira (2005:16) argues that “corruption is a consensual crime in the sense that all persons involved are usually willing parties and participants, who together have an interest in the concealment of the crime. Therefore, it involves fewer conscious victims and witnesses.” Similarly, Peter (2009:50) submits:

The adverse consequences of corruption are immense. Through corruption, right becomes wrong and vice versa; the victim becomes the accused and the accused a witness; white becomes black and day becomes night because the right price has been paid. In short, corruption is an enemy of the people.

What makes it even worse is that the impact of corruption disproportionately falls on the poor and most vulnerable sections of society.

Makhanya (2014:3) states that:

Corruption is a global phenomenon and a crime that affects every single person. In the greater scheme of things corruption smothers socio-economic growth and development and renders extremely vulnerable in all respects, the human security and dignity that are surely the basic rights of all. Corruption hinders the upliftment of citizens and countries, by stifling development initiatives (such as the MDGs) and closing down channels for effective future collaborations.

According to the 2013 Corruption Perception Index published by the Transparency International, which measures the perceived levels of public sector corruption worldwide, South Africa ranked 72 out of 177 countries and moved up by five positions in the current 2014 report, placing it at 67 (Transparency International, 2013/4). According to a research report on corruption in the private sector, commissioned by Business Against Crime South Africa (Centre for Business and Professional Ethics, University of Pretoria, 2006:17), corruption has been perceived to be the most problematic in Gauteng, which could be linked to the fact that this province is the country's main economic centre. The Report (Centre for Business and Professional Ethics, University of Pretoria, 2006:26) states further that the "perception that corruption occurs because the chances of getting caught (69.7%) and prosecuted (80.8%) are slim is substantiated by the reasons for not reporting corruption which is due to a lack of confidence in the police (75.7%) and the justice system (74.3%)".

Stapenhurst (2006:1) asserts that:

citizens bear the heavy economic and social costs of corruption. In a democracy that works, they look to their parliament - the people they select to set the framework of law and oversee its implementation - for help.

This does not imply that corruption is caused by a weak parliament or parliamentary inaction; rather, because the causes of corruption are many and complex, it suggests that parliament plays an essential leadership role in combating corruption. Especially in systems in which the executive is not directly elected, parliament becomes the most direct instrument citizens have to influence the executive, the locus of most state corruption.

He further contents that:

Parliaments can also curb corruption by fulfilling another key responsibility: holding the government accountable. This can be achieved through effective participation in the budgetary process, the exercise of parliamentary oversight through anti-corruption commissions, cooperation with supreme audit institutions, and promoting a media-friendly environment.

It is the submission of Klitgaard (2010:16) that in order to break through this culture of corruption, experience indicates that “frying big fish” is essential. Big, corrupt actors must be named and punished so that a cynical citizenry believes that an anti-corruption drive is more than words. This includes those giving as well as those receiving bribes. It is also important that a campaign against corruption is not confused with a campaign against the opposition. Importantly, therefore, one of the first big fish should preferably come from the political party in power. Ferreira (2005:15) submits in a form of an analogy that *“just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up at least a bit of the King’s revenue”*.

3.8 THE ROLE OF GOVERNMENT IN CURBING CURRUPTION

An inadequate framework for government with no accountability, lack of transparency, inadequate oversight, weak enforcement, and poor and ineffective electoral systems reduce the likelihood of exposure and censure for corruption, this may also push the cost of corruption to sky rocket and this may lead to an unprofessional civil service. Patronage, nepotism, and favouritism, as manifestations of corruption, may force employees to want to exchange personal favours rather than towards an impartial and efficient job performance.

It is only in extreme cases where employees will not have an incentive to perform their official duties, but, in turn, will try to make more money through receiving bribes and doing favours for others (Stapenhurst, 2006:ix, 17, 18).

It is the submission of Dintwe (2011:562) that:

The most important aspect of those who are arrested and convicted is that the punishment meted out must have a deterring effect. The punishment can only be deterrent enough if it is consistently applied to all found guilty and when such a punishment is a visible one. Different means of punishment such as criminal sanctions, dismissals and recovery of losses from the individual's assets must be meted out. This punishment must also be seen to be applied to those who are seen as senior or politically connected.

This view is supported by Kranacher, Riley and Wells (2011:13), who state that "visible sanctions should be based on the premise that deterrence is accomplished through a variety of efforts associated with internal controls and ethical programs that create a workplace of integrity, morality and encourage employees to report potential unlawful activities". In an effort to clamp down on corruption, the president of the Republic of South Africa, his Excellency Mr Jacob Zuma, in December 2014, signed into law the Public Administration and Management Act, which, amongst other things, prohibits public servants from conducting business with the state. The Act states that "if any person is found guilty of the offence s/he will liable to a fine or imprisonment for a period not exceeding 5 years or both such fine and imprisonment. This may further constitute a serious misconduct which may result in the termination of employment by the employer" (South Africa, 2014). The Auditor-General (2013:7) in his report on the Annual Consolidated Financial statements of the City of Tshwane Metropolitan Municipality found that: "Persons in service of the municipality whose close family members had a private or business interest in contracts awarded by the municipality failed to disclose such interest, as required by Supply Chain Management Regulations."

3.9 THE ROLE OF OVERSIGHT BODIES IN CURBING CORRUPTION

According to Stapenhurst (2006:107), “no one institution, acting alone, can significantly reduce corruption; audits can be a powerful force to combat corruption. Although preventing corruption may not be an explicit responsibility of some Supreme Audit Institutions, audits may detect fraud and abuse”. Madonsela (2010:10) suggests that the Auditor-General, for example, as the supreme audit institution of South Africa, facilitates public sector oversight, accountability and good governance (Madonsela, 2010:10).

3.9.1 The Auditor-General South Africa (AGSA)

According to Khan (2006:5), corruption requires a multifaceted attack, for example, regulations, a code of conduct for employees and vendors, awareness raising campaigns, training of staff, internal controls, sanctions and incentives, protection of whistleblowers and an open approach towards information reporting and an effective audit team, multi agencies, public and private sector including the society as a collective in the fight against corruption.

Khan argues (2006:9) that, as compared to auditing, investigation is a different area of oversight. However, auditors can play a vital role in assisting the agencies responsible for investigation against alleged cases of corruption. Internal auditors usually more informed about the operations in an organization than investigators deployed only for a particular case. They are also in a position to can assist deployed investigators in interpreting various rules, practices and sharing some of the confidential information in their possession that could assist investigators. The AGSA has been established on the basis of the Constitution of South Africa to audit and report on financial statements, accounts and management of all national and provincial departments, municipalities, and any other institutions as required by legislation to be audited specifically by them. As the supreme audit institution of South Africa, it enables oversight, accountability and good governance in the public sector. The AGSA also plays a pivotal role in the prevention of corruption by conducting special investigations or audits whenever it considers this to be of public interest or when there is a complaint or a request for an investigation.

3.9.2 The Public Service Commission (PSC)

The PSC is an independent institution, which has been established in terms of Chapter 10 of the South African Constitution. It derives its mandate from sections 195 and 196 of the Constitution. These sections set out the values and principles governing public administration that should be promoted by the PSC and the powers and functions of the PSC. The Constitution distinguishes between public “administration” (section 195) and public “service” (sections 196 and 197). Section 195 (2) clearly states that the principles of public administration apply to administration in “every sphere of government”. The PSC is required by the Constitution to exercise its powers and to perform its functions without fear, favour or prejudice. The Constitution links the PSC’s independence firmly with its impartiality, and no organ of state may interfere with the functioning of the PSC. The PSC is vested with custodial oversight responsibilities for the public service and monitors, evaluates and investigates public administration practices. It also has the power to issue directives regarding compliance with personnel procedures relating to recruitment, transfers, promotions and dismissals (PSC, 2014:8).

3.9.3 The National Prosecuting Authority (NPA)

The NPA, which was established in 1998, is South Africa’s first centralised prosecuting authority. The NPA institutes criminal proceedings on behalf of the state. It is headed by the national director of public prosecutions, chief executive officer and four deputy national directors.

3.9.4 The role of risk and audit committees

One of the factors that make audit committees more effective is the ability of the committee members to be critically aware of their responsibilities and completely understand and embrace these responsibilities and how they should be fulfilled (KPMG, 2006:12). The National Treasury, section 3.1.10. (2005:8) indicates that audit committees must, amongst others, review the following: the effectiveness of the institution’s internal control systems; the effectiveness of the internal audit function; the risk areas of the institution’s operations to be covered in the scope of internal and external audits; the adequacy, reliability and accuracy of the financial information provided to management and other users of such information; any accounting and auditing concerns identified as a

result of internal and external audits; the institution's compliance with legal and regulatory provisions; the activities of the internal audit function, including its annual work programme, coordination with the external auditors, the reports of significant investigations and the responses of management to specific recommendations.

3.9.4.1 Expanded roles post King III report

The King III report recognises the vital role that an independent audit committee plays in corporate governance, including its role in ensuring the integrity of integrated reporting and internal financial controls and in identifying and managing financial risks. In trying to ensure that these roles are fulfilled adequately, King III recognises that there should also be an agreed process in terms of which the committee is permitted to consult with specialists (PricewaterhouseCoopers (PWC), 2010:31). Additional roles for audit committees which came into effect after the release of King III include the following: to oversee integrated reporting; to ensure that a combined assurance model is applied to provide a coordinated approach to all assurance activities; to satisfy itself as to the expertise, resources and experience of the institution's finance function and to be an integral component of the risk management process. In addition, the audit committee report should include reference to compliance with the institution's statutory duties, the independence of the external audit, the view on the financial statements and the accounting practices, and whether internal financial controls have been effective (PWC, 2010:39).

3.9.5 The office of the Public Protector

The Public Protector is an Ombudsman Office. The office was created in terms of Chapter 9 of the Constitution. The Public Protector's anti-corruption mandate derives from its broad mandate, which relates to investigating and correcting improper and prejudicial conduct in state affairs as per section 182 of the Constitution and the Public Protector Act of 1994, and its power as the sole agency for enforcing the Executive Ethics Act and the Executive Ethics Code. Some of the conduct that the Public Protector ordinarily investigates would constitute corruption. The Public Protector's role in anti-corruption is also recognised in the key anti-corruption statutes, including the PCCA, the Protected Disclosures Act (Act No. 26 of 2000) and the PFMA.

For example, the PCCA specifically gives the Public Protector the authority to investigate any improper or dishonest act, or omission or offences referred to in the Act, with respect to public money.

3.9.6 The role of whistleblowers in the fight against corruption

According to Transparency International (2010:2),

corruption is a notoriously secretive activity and it is usually only those engaged in corrupt deals or those who work with them that are aware of it. Insiders are among the few people who are able to report cases of corruption (past or ongoing) and identify the risk of future wrongdoing. By helping to detect corruption cases, whistleblowers play a critical role in converting a vicious cycle of secrecy into a virtuous cycle. Detection of corruption is a pre-condition to initiate related investigations and prosecution. However, only if corruption cases are effectively prosecuted can a culture of corruption change.

While South Africa is battling in the fight against corruption, whistle-blowing without fear or favor has become an important factor in the public and private sector. South Africa is also battling to encourage society to blow the whistle on corruption and to assure potential whistle blowers that they will not be victimized in any manner should they come forward (Madonsela, 2010:16).

3.9.7 The Anti-corruption Coordinating Committee (ACCC)

According to Madonsela (2010:11), the ACCC is an intergovernmental structure comprising departments and agencies functionally mandated with anti-corruption work. This committee was established in terms of Strategic Consideration 2(b) of the Public Service Anti-corruption Strategy to coordinate the implementation of the Strategy and to integrate anti-corruption work in the country and to further assist departments on initiatives of prevention, detection and investigation of corruption. The objectives of the ACCC include to: ensure full coordination and integration of anti-corruption initiatives in the public service; ensure that there is no duplication of initiatives and efforts in the fight against corruption in the public service; provide a platform where information on anti-corruption

initiatives, including prevention, detection and investigation, can be shared among departments; oversee and monitor the implementation of the Public Service Anti-corruption Strategy; and ensure an enriched process of implementation of the Public Service Anti-corruption Strategy.

3.9.8 The Special Anti-corruption Unit (SACU)

The SACU was established to assist departments with managing corruption cases from investigations to conclusion; the Unit operates through a multi-agency approach, which includes coordination of anti-corruption initiatives within the public sector with key stakeholders such as the SIU, AGSA, National Treasury and the PSC.

The Unit also investigates officials with undeclared business interests; officials doing business with government without disclosing their business interests; officials performing remunerative work outside the public service without permission; and officials who solicit and/or receive bribes in return for performing or not performing official duties as well as those receiving grants or benefits unlawfully.

The key functions of the Unit include: conducting, facilitating and coordinating the investigation of high profile cases; referring investigation outcomes for corrective action to relevant authority; conducting, coordinating and facilitating the management of disciplinary proceedings for high profile cases; monitoring and evaluating the consistency and efficacy of the implementation of disciplinary outcomes and corrective action taken; providing legal advice and support to resolve high profile cases; and assisting departments with the management of cases.

3.9.9 The Public Service Anti-corruption Strategy

According to the Public Service Anti-Corruption Strategy (South Africa. DPSA, 2002) as adopted by cabinet in 2002, for this strategy to become successful, the following interrelated and dependent strategic considerations must be taken into cognisance and be fully resourced:

Strategic Consideration 1: Review and consolidation of the legislative framework. The PCCA was born of this consideration

Strategic Consideration 2: Increased institutional capacity. This has to do, amongst other things, with improving the functioning of existing institutions that have anti-corruption mandates

Strategic Consideration 3: improving the reporting of wrongdoing and the protecting of whistleblowers by institutions, and reviewing of anti-corruption hotlines

Strategic Consideration 4: prohibition of corrupt individuals and businesses

Strategic Consideration 5: improvement of management policies and practices

Strategic Consideration 6: management of professional ethics in the fight against corruption

Strategic Consideration 7: recognition of partnerships with stakeholders

Strategic Consideration 8: Social analysis, research and policy advocacy. The role of society in fighting corruption is internationally recognised

Strategic Consideration 9: Awareness, training and education. The strategy recognises that although good initiatives exist to fight corruption, public awareness is poor. Employees are insufficiently educated about their rights and responsibilities and about the mechanisms that exist to fight corruption

3.9.10 Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit

The Unit has been established in terms of chapter 6, section 15 of the Public Administration and Management Act and has, amongst others, the following functions: to provide technical assistance and support to institutions in all spheres of government regarding the management of ethics, integrity and disciplinary matters relating to misconduct in the public administration; to develop the norms and standards on integrity, ethics, conduct and discipline in the public administration; to build capacity within institutions to initiate and institute disciplinary proceedings into misconduct; to strengthen government oversight of ethics, integrity and discipline and, where necessary, in cases where systemic weaknesses are identified, to intervene; and to promote and enhance good ethics and integrity within the public administration.

Issues of misconduct emanating from criminal investigations must be reported to the Unit and the relevant head of institution for initiation and institution of disciplinary proceedings. The head of the institution must report to the Unit on steps taken in respect of all misconduct and disciplinary proceedings. It is further the responsibility of every institution to ensure that it deals with matters relating to misconduct without undue delay.

3.10 THE VARIOUS FORMS IN WHICH CORRUPTION MANIFESTS ITSELF

Closely related to graft, “fraud” refers to the various, often complex and imaginative schemes orchestrated by officials to appropriate public funds, often with civilian accomplices. These may include establishing fake companies, listing ghost workers to pad payrolls, overbilling the government on contracts, or otherwise fixing the books to hide the disappearance of public funds. According to Gebeye (2012:8), “Bribery, embezzlement, theft, fraud, extortion, nepotism, favoritism, and Clientelism (classifications of corruption by the United Nations Office on Drug and Crime (UNODC)) can be grouped under either grand corruption or petty corruption depending upon the amount of money lost and the sector where it occurs.” Similarly, according to Peter (2009:49), corruption, tends to have many names under which it hides and can manifest itself in various forms.

The forms that corruption can take, for Peter (2009) include bribery, fraud, nepotism, embezzlement, graft, money laundering, extortion, influence peddling, abuse of public office or property, gifts, insider trading, and under or over-invoicing. Peter (2009) further submits that “notwithstanding gaining such prominence or, rather, notoriety, the question remains whether we all understand what corruption actually means”. For Rohwer (2009:42), the common forms of corruption are bribery, embezzlement, fraud, extortion, cronyism, nepotism, patronage and graft, but there is no international consensus on the meaning of corruption.

According to Relief International’s *Policy on Reporting & Investigating Misconduct* (Relief International, 2012:1-2), (a) Misconduct can include financial improprieties or misuse of the organisation’s assets. This can include, but is not limited to the following: theft, embezzlement, or other misappropriation of assets; intentional misstatements in records (e.g. accounting records or financial statements); authorising or receiving payment for

goods not received, services not performed or hours not worked; forgery or alteration of documents, including but not limited to cheques, time sheets, contracts, purchase orders, receiving reports, or other documents (electronic or otherwise); or destruction, alteration, mutilation, or concealment of any document or record with the intent to obstruct or influence an inquiry or investigation by a department or agency. It can also include disclosure to any external party of proprietary information or confidential personal information obtained in connection with employment; unauthorised personnel or other inappropriate (non-business) use of the organisation's equipment, assets, services, personnel or other resources; accepting or seeking anything of material value from contractors, vendors, or people providing goods or services; impropriety of the handling or reporting of money of financial transactions; failure to report known instances of misconduct in accordance with the reporting responsibilities described in the policy (including tolerance by supervisory employees of misconduct of subordinates); and personal or family conflicts of interest with suppliers or other third parties with whom business is done. Point (b) of the policy states that misconduct can also be of a non-financial nature and related to inappropriate, fraudulent, dishonest, or illegal conduct detrimental to but not limited to: the use or possession of weapons on premises and the use, possession or distribution of illegal drugs or reporting for work under the influence of drugs or alcohol.

Point (c) suggests that misconduct can also involve sexual harassment, abuse or exploitation, or the persistent demeaning of individuals through words or actions, or the display or distribution of offensive material. Zuydam (2013) reports a case of alleged corruption in the City of Tshwane Metropolitan Municipality, where two men – a municipal official and an employee of a metro contractor – were accused of attempting to solicit a bribe from a businessman. These men appeared in the Specialised Commercial Crimes Court on charges of corruption after allegedly offering to make the businessman's electricity bill of more than R1.3 million "go away" if he paid them R400,000. The city official was an administrative officer and the employee of the contractor to the metro cut off the electricity supply to residents and business people who failed to pay their accounts.

Figure 1: Manifestations of corruption (developed by the researcher)



Figure 1 above illustrates the most common manifestations of corruption that take place in the South African public service, which are fraud, bribery, extortion, nepotism, conflict of interest, cronyism, favouritism, theft, embezzlement and abuse of power. Other forms of corruption that raise concern are, for example, influence-peddling, insider trading/abuse of privileged information, bid-rigging and kickbacks. The above-mentioned manifestations of corruption are not exhaustive but merely highlight the most common manifestations in the public service. With the growing prevalence of the various forms in which corruption manifests itself and the increasing number of reported cases, it could be asked whether the current anti-corruption strategies in South Africa are effective and have achieved their desired results. As discussed by Man-wai (2006:196-201), there is no single solution in fighting corruption. Every country has to examine its unique circumstances and come up with a comprehensive strategy, but any strategy must embrace the three-pronged approach: deterrence, prevention and education. Ideally, there should be a dedicated and independent anti-corruption agency tasked to coordinate and implement such a strategy and to mobilise support from the community.

3.11 THE APPROACH TO MANAGING AND PREVENTING FRAUD AND CORRUPTION

“The criminal law is relevant to the fight against corruption only where there is likelihood that it will be enforced. Thus the first point to note is that there is little point in enacting new laws if the existing ones are not being enforced” (Stapenhurst, 2006:52). Once they have concluded that a new criminal law is necessary, parliamentarians should observe nine general principles. These are as follows:

- Complying with international human rights standards;
- Not being unduly repressive;
- Giving clear guidelines on sentencing;
- Providing penalties proportionate to the degree of seriousness of the offence;
- Combining the various criminal laws that deal with corruption so that they are all in one place;
- Conducting regular reviews of the criminal law framework;
- Making any necessary special provisions for corruption cases concerning “proof”;
- Providing for the proceeds of corruption to be subject to recovery by the state; and
- Seeing the crime of corruption as including both the payment and the receipt of bribes.

3.12 INVESTIGATION CAPABILITY

3.12.1 Special investigating unit (SIU)

The SIU is a public entity with powers of investigation and litigation. Following the issuing of a presidential proclamation by the president of the country, the SIU has powers to subpoena, search, seize and interrogate witnesses under oath. The SIU can take civil action to correct any wrongdoing it uncovers in its investigations. For example, the SIU can obtain a court order to compel a person to pay back the wrongful benefit received and thus recover the money for the state. The SIU also works with the department concerned to cancel contracts when proper procedures were not followed.

According to Corruption Watch (2014), the SIU is a state body that fights corruption through quality investigations and litigation. It is an independent statutory body established by the president to investigate and report the outcomes of all its investigations back to the president. The SIU was established by the president in terms of the Special Investigating Units and Special Tribunal Act, Act No. 74 of 1996 (SIU Act). Its primary mandate is to recover and prevent financial losses to the state caused by acts of corruption, fraud and maladministration. The SIU also assists departments with systemic improvements that improve service delivery. Where criminal conduct is uncovered, it will bring the matter to the attention of its partners, the Hawks in the SAPS and the NPA. It works closely with them to ensure that there is an effective investigation and prosecution. The SIU also works closely with the Asset Forfeiture Unit (AFU) in the NPA, where the powers of the AFU are more appropriate or effective in recovering the proceeds of crime.

3.12.2 The South African Police Service (SAPS)

Besides its general criminal investigative role, the SAPS has a separate division, the Directorate for Priority Crime Investigation. This division is a successor to the Directorate of Special Operations (Scorpions) that used to fall under the NPA. The functions of the Directorate are to prevent, combat and investigate national priority offences, in particular, serious organised crime, serious commercial crime and serious corruption.

3.12.3 Independent Police Complaints Directorate (IPID)

The aim of the IPID is to ensure independent oversight over the SAPS and the Municipal Police Services (MPS), and to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAPS and the MPS, and make appropriate recommendations. This mandate has been expanded and focused by the new IPID legislation, which was signed into law by President Zuma on 12 May 2011. The IPID Act is operational from 01 April 2012. This means that the IPID investigates only the matters specified in the IPID Act.

Types of matters that must be investigated

The IPID must investigate the following (specified) matters: any deaths in police custody; deaths as a result of police actions; any complaint relating to the discharge of an official

firearm by any police officer; rape by a police officer, whether the police officer is on or off duty; rape of any person while that person is in police custody; and any complaint of torture or assault against a police officer in the execution of his or her duties. The IPID may investigate *corruption* matters within the police initiated by the Executive Director on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC or the Secretary for Police, as the case may be; and any other matter referred to it as a result of a decision by the Executive Director, or if so requested by the Minister, an MEC or the Secretary for Police as the case may be.

3.12.4 Asset Forfeiture Unit (AFU)

The AFU was established in May 1999 in the Office of the National Director of Public Prosecutions to focus on the implementation of Chapters 5 and 6 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998). The AFU was created in order to ensure that the powers in the Act to seize criminal assets would be used to their maximum effect in the fight against crime and, particularly, organised crime.

Key objectives and achievements

The AFU has set itself a number of key strategic objectives. These include to develop the law by taking test cases to court and creating the legal precedents that are necessary to allow the effective use of the law; to build the capacity to ensure that asset forfeiture is used as widely as possible to make a real impact in the fight against crime; to make an impact on selected categories of priority crimes. Further key strategic objectives are to establish a national presence; to establish excellent relationships with its key partners, especially the SAPS and the South African Revenue Service (SARS); and to build the AFU into a professional and representative organisation.

3.12.5 National Prosecuting Authority of South Africa

Legislation governing the prosecuting authority is the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998). The Constitution, read with the Act, provides the prosecuting authority with the power to institute criminal proceedings on behalf of the state and to carry out any necessary functions incidental to instituting criminal proceedings. The Office of the National Director of Public Prosecutions was established on 1 August 1998, in

terms of section 179 (1) of the Constitution. The NPA comprises the National Director, who is the head of the Office and manages the Office; Directors of Public Prosecutions; Special Directors and other members of the prosecuting authority appointed at or assigned to the Office; and members of the administrative staff at the Office. Section 179 of the Constitution created a single NPA.

The NPA has the power to institute and conduct criminal proceedings on behalf of the state; carry out any necessary functions incidental to instituting and conducting such criminal proceedings (this includes investigation); and discontinue criminal proceedings.

3.13 SUMMARY

A vast number of scholars and studies cover the phenomenon of corruption. South Africa has also partnered with countries across the globe in the fight against corruption and has set up various oversight bodies in the country. Chapter 10, Section 195 of the South African Constitution outlines the very basic principles of integrity that should have been the basis for fighting corruption. The fact that corruption continues despite the above suggests that perhaps a different approach should now be taken in the fight against corruption. Instead of focusing on anti-corruption and trying to strengthen the current and existing anti-corruption agencies in South Africa, the focus should now be shifted to building a national integrity system in the South African public service environment based on the Constitution. The principles that are of paramount importance in building integrity in the public service include a high standard of professional ethics; productivity – using the resources of the state economically, efficiently and effectively; accountability and stewardship in the use of the state’s resources; transparency: giving the public accurate, timely, useful and accessible information; and, lastly, appointments in the public service must be based on objective, fair considerations as well as objectivity.

CHAPTER FOUR

FINDINGS AND RECOMMENDATIONS

4.1 INTRODUCTION

This research focused on investigation, corruption and the various forms in which corruption manifests itself and was dictated by the goal of enhancing the knowledge of forensic investigators in the City of Tshwane Metropolitan Municipality Forensic Investigation Unit. The focus was also on the process of investigation followed by forensic investigators during the investigation of alleged corruption and on the presentation of evidence in court or disciplinary proceedings in a manner which would withstand legal scrutiny. Investigators need to be properly trained and skilled in handling complex investigations where senior government officials are alleged to be involved and in using specialised expertise in the fields of Forensic Auditing, Forensic Accountancy and Internal Auditing and so on.

From the researcher's previous experience, it was observed that corporate forensic investigators are inclined to focus their investigations on document-based evidence because their knowledge in dealing with cases of alleged corruption is either limited or non-existent. This study is intended to enhance the knowledge of investigators when conducting investigations into alleged corruption and the various forms in which corruption manifests itself. The following research questions enabled the researcher to investigate the research problem systematically:

- What is the role of forensic investigation in combatting the various manifestations of corruption in the City of Tshwane Metropolitan Municipality?
- What are the standard procedures for investigating corruption cases?
- How does corruption manifest itself in the City of Tshwane Metropolitan Municipality?

The findings and recommendations set out below are all based on the information obtained during document and content analysis combined with a thorough literature study on the topic of corruption.

4.2 FINDINGS

The following findings were made on the basis of information obtained from various literature sources (local and international).

Research Question 1

What is the role of forensic investigation in combatting the various manifestations of corruption in the City of Tshwane Metropolitan Municipality?

The research established the following:

- The study was able to define the concept “forensic investigation” and also understand the objectives, purpose, qualities, skills and responsibilities of an investigator. The objectives of forensic investigation and criminal investigation are first and foremost to determine if an offence has been committed, identify and apprehend the suspects, gather evidence, recover the stolen property and assist in the prosecution of the person charged with the crime.
- There is not much difference between forensic investigation and criminal investigation. Forensic investigation is primarily aimed at instituting disciplinary proceedings, court proceedings and/or civil proceedings and involves the use of specialised investigative skills, whereas criminal investigation is the gathering of information to determine the truth.
- The literature review conducted established that the identification of the crime, collection of evidence, identification of suspects, securing the attendance of accused persons in court, and the recovery of stolen goods and property are primarily the responsibilities of investigators.

Research Question 2

What are the standard procedures for investigating corruption cases?

The research made the following discoveries:

- This study was not able to identify what written procedures forensic investigators in the CoT follow when conducting investigations into alleged corruption in the City of Tshwane Metropolitan Municipality.

The information was requested via the office of the Executive Director, Forensic Investigation Unit in numerous email correspondences but the information was never made available to the researcher.

- The City of Tshwane Metropolitan Municipality, Forensic Investigation Unit investigates cases related to fraud, corruption, bribery, theft and maladministration in conjunction the SAPS and the responsible forensic investigator. Alternatively, these cases are also outsourced to external service providers who have the capacity to investigate. There is no investigative capacity to deal with investigations of alleged corruption, especially when dealing with complex investigations in which senior government officials are alleged to be involved.
- The investigation of cases of alleged corruption in the City of Tshwane Metropolitan Municipality is focused on misconduct, unethical behaviour and conflict of interest, fraud and corruption, theft, extortion, bribery, embezzlement, nepotism, abuse of power, favouritism, insider trading/abuse of privileged information. The Municipality also investigates tender irregularities, maladministration, housing irregularity, reckless and negligent driving, abuse of CoT property, illegal connection (water and electricity), irregular appointment of service providers, and irregularity on leave discrepancies.

Research Question 3

How does corruption manifest itself in the City of Tshwane Metropolitan Municipality?

Although this research focused on the period March 2013 to February 2014, past reports compiled by the SIU, AGSA, the Public Protector and media reports for the past five years indicated the following:

- It is the submission of Hopwood (2012:32) that fraud or false pretence involves intentional and material misrepresentation of one or more material facts with the intent of taking property from a victim. According to Silverstone (2004:5), fraud is an activity that takes place in a social setting and has severe consequences for the economy, corporations and individuals. This view is supported and elaborated on by Wells (2014:8), who submits that fraud encompasses any crime for the gain that uses deception as its principal modus operandi. This is further supported by Crumbley (2013:4001) and Ryder (2011:93), who state that fraud is any illegal act characterised by deceit, concealment or violation of trust. The SIU in its 2012 interim report under the section on the City of Tshwane Metropolitan Municipality reported investigating and finding that a DDG in the Department of Energy had entered into a further contract with the Tshwane Metropolitan Municipality for the electrification of the Olievenhoutbosch extension 36 development. It was established that the service provider had been appointed for a contract to the value of R7.4 million for 1 000 house connections, according to the bills of quantities. A month later, a contract was concluded and a new bill of quantities signed for double the amount, R14.9 million, and for 2 000 connections. A verbal instruction to purchase an additional 960 metres of cable was then issued, which was not supplied against an approved bill of quantity and thus exceeded the approved contract value by R1.5 million. Later, an additional eight houses were identified where electrical cabling had to be installed amounting to R47,310, which was also not authorised. The SIU further received information of possible irregularities in the tender issued for the installation of CCTV cameras. A senior official within the Metro Police confirmed that the report with recommendations submitted by the Bid Adjudication Committee (BAC) had been changed to appoint a service provider that

had not been recommended. From 30 April 2010 until January 2012 (excluding the month of August 2011), the municipality paid R73.9 million against a contract amount of R121 million within a period of 13 days. The service provider invoiced the municipality for an amount of R27 million. This was close to the financial year end and the service provider informed the investigating team that the municipality had requested an invoice on items on the bill of quantities before the financial year end as the department had funds left in its budget. It was established that the service provider invoiced the municipality and payments were approved by the senior official on fraudulent invoices to the amount of R1.4 million.

- **Influence-peddling:** This is where public officials or other political or government insiders offer to exert influence not available to the outsider. This is distinct from political advocacy or lobbying in that the corrupt individual sells access to or influences government decision making that he/she only has as a result of public office (Gauteng Anti-Corruption Strategic Framework, 2009:23). The Public Protector investigated an allegation of maladministration by the City of Tshwane involving Lady Selborne homes. On 3 June 2005, the City of Tshwane Metropolitan Municipality (City of Tshwane) adopted a resolution to make a number of residential erven in Lady Selborne Extension 1 available to the Regional Land Claims Commissioner (RLCC) for the allocation to beneficiaries of certain areas, and to former residents of Lady Selborne, a suburb of Tshwane, at a cost of R43,000 (plus escalation) per site. This initiative was intended to accommodate former residents of these areas who had not benefitted from the Land Restitution process, or who had opted for financial compensation. The City of Tshwane failed to ensure that it was able to exercise its discretion regarding the transfer and disposal of the properties in a manner that is consistent with the Municipal Supply Chain Management legislation and prescripts, as well as section 25(8) of the Constitution.
- **Offering or receiving improper gifts, gratuities, favours or commissions:** In some countries it is common for public officials to accept tips or gratuities in exchange for their services.

- Such payments become difficult to distinguish from bribery or extortion as links between payments and results always develop. In South Africa, government officials receiving any gratuities, favours or commissions are obliged to declare these if their value is more than R350 (Gauteng Anti-Corruption Strategic Framework, 2009:23). According to Mudzuli (2015:4), the City of Tshwane Metropolitan Municipality awarded contracts to contractors who did not qualify; service providers who worked for other state institutions; and people in service of the Municipality whose close family members had undisclosed private and business interests.
- U-Myint (2000:49) submits that corruption can have undesirable consequences for both the revenue and expenditure sides of the government budget. “paying bribes to reduce taxes, fees, dues, custom duties and public utility charges such as water and electricity are a norm in public and private sectors in countries around the world. Bribes are also used to make illegal water, electricity, gas and telephone connections to have access to these facilities without paying for the services obtained.” According to Caiden (2001:125), when the new black majority government came into power, affirmative action was adopted for the black majority and many qualified exiles returned ready to govern and this resulted in the rules governing merit appointments being set aside and black people beginning to receive preferential treatment through nepotism, cronyism and string-pulling.
- **Nepotism:** This involves an employee who ensures that his/her family member is appointed to a position in the Gauteng government or that service level agreements from the Gauteng government are awarded to his/her family member (Gauteng Anti-Corruption Strategic Framework, 2009:24). It is the submission of Stapenhurst (2006:56) that: “Nepotism is a particular type of conflict of interest. Although the expression tends to be used more widely, it strictly applies to a situation in which a person uses his or her public power to obtain a favor—very often a job—for a member of his or her family.” In the City of Tshwane Metropolitan Municipality for example, Irregular appointment and payments made to the service provider for the Home of Jazz Festival cost the City (R7.7 million); service provider appointed

irregularly through deviation and fraudulent invoices submitted on inflated working hours cost (R3.2 million).

- **Cronyism:** is a broader term than nepotism and covers situations in which preferences are given to friends and colleagues, which is captured in such expressions as the “old school tie” or the “old boys’ club” (Stapenhurst, 2006:57). According to Khatri (2003:291), cronyism can further be defined as favouritism shown by the superior to his or her subordinate (e.g. via promotion, bonus, pay raise, or better job assignment) based on non-performance (e.g. relationship of subordinate with the superior), rather than performance criteria (e.g. objective performance, competence, or qualifications of the subordinate), in exchange for the latter’s personal loyalty. For example, an employee with a good performance record loses out on a promotion or pay increase because his or her superior favours another person on the basis of that person’s relationship with and loyalty toward the superior.
- **Abuse of power:** This act involves the use of vested authority by the employee to improperly benefit or discriminate against another person or entity (Gauteng Anti-Corruption Strategic Framework, 2009:24). Examples of this in the City of Tshwane Metropolitan Municipality are the irregular awarding of a contract in the Department of Community Safety and the irregular appointment of a service provider by the former city manager. The Public Protector, in her annual report of 2010/2011, reported the investigation of a complaint relating to the failure of the City of Tshwane Municipality to transfer property which the complainants had purchased and the subsequent allocation of the same property to a third party. The Municipality had failed for over a decade to honour its undertaking to facilitate the transfer of alternative property to the complainants as compensation for the property.
- **Favouritism:** This act involves the provision of services or resources according to the personal affiliations (e.g. ethnic, political or religious) of the employee (Gauteng Anti-Corruption Strategic Framework, 2009:24). The SIU found in its investigation

that an official in the Office of the City Manager went on an unauthorised trip to Namibia and incurred expenses to the value of R57,414.

- **Insider trading/Abuse of privileged information:** This involves the use of privileged information and knowledge that the employee possesses emanating from his/her office, which thus gives them an unfair advantage over any other person in obtaining or accruing a benefit for him/herself from such information (Gauteng Anti-Corruption Strategic Framework 2009:24). The Public Protector in her annual report (2009/2010:31) investigated a complaint of the improper disclosure by an official of the City of Tshwane (the Municipality) of the identity of an informant who provided information of an alleged violation of Municipal by-laws. The complainant alleged that the official to whom she reported the violation disclosed her identity to the owner of the property where an alleged unlawful water connection was made, which resulted in a statement that was made to her detriment in civil court proceedings although the allegation of an unlawful water connection made by the complainant was without substance.
- **Conflict of interest:** The employee acts or fails to act in a matter where he/she has an interest as a result of a relationship with the organisation, entity or another person having the same interest (Gauteng Anti-Corruption Strategic Framework, 2009:24). According to Stapenhurst (2006:55), "A conflict of interest arises when a person, as a public sector employee or official, is influenced by personal considerations when carrying out his or her job. In such cases, decisions are made for the wrong reasons. Moreover, a perceived conflict of interest, even when the right decisions are being made, can be as damaging to the reputation of an organization and erode public trust as much as an actual conflict of interest." The investigation conducted by the SIU, as reported in its (2010/2011:23) annual report, found that 65 officials had business interests in companies currently doing business with the municipality and were receiving payments as active vendors. The total payments made to these officials for the period under investigation was over R185 million; 112 officials had interests in companies to which no payments had been made in the period under review; 296 companies were owned by spouses of

officials and 102 of these companies had received payments from the municipality; six had received payments totaling over R64 million for 1 387 invoices submitted; of these, 416 invoices were for amounts of between R20,000 and R30,000 and for which irregular duplicate payments had made by the municipality and four officials shared the same bank accounts as four vendors. Payments by the municipality for work done and their salaries were being paid into the same account.

- Coenen (2009:156) and Wells (2014:256) argue that conflict of interest exists when an employee, executive or owner of a company has an undisclosed economic or personal interest in a situation or transaction, which then negatively affects the company. The scheme involves some influence that the employee, executive or owner is able to exert over a transaction. The SIU, in its 2012 interim report on the City of Tshwane Metropolitan Municipality, investigated and found that one of the senior officials of the municipal entity enriched himself in the amount of R70,000 by writing out a cheque to himself in the entity's cheque book. Investigations further revealed financial mismanagement, with an amount of R200,000 being overspent in fees paid to universities.
- Conflict of interest" denotes a situation in which an elected representative has a personal or private financial interest sufficient to influence, or appear subjectively to influence, the exercise of his or her public duties and responsibilities. The implementation of a code of ethics is one of the measures used to combat unethical conduct in the public service (Mafunisa, 2008:83).
- The author asserts that: Often elected representatives can avoid conflict of interest by disqualifying themselves from situations in which personal interests are involved. In judicial circles, for example, a judge may disqualify himself/herself because he/she was prosecuting attorney on a case now before him/her on appeal. Similarly, an executive director may disqualify himself/herself when he/she is called on to make decisions that affect a department for which he/she formerly worked or where he/she is a director.

- **Bid-rigging:** This is a type of bribery scheme in which a vendor is given some sort of advantage in what is supposed to be a competitive bidding process. An employee may also rig the process of bidding for a contract by crafting the specifications for bids so narrowly that only one vendor will qualify to bid (Coenen, 2009:154). According to Wells (2014:270), bid-rigging is a process by which an employee assists a vendor to win a contract fraudulently through the competitive bidding process. The Auditor-General (2013), in his report of the City of Tshwane Metropolitan Municipality, found that, in 2013, contracts and quotations were awarded by the Municipality to bidders who did not submit a declaration on whether they were employed by the state or connected to any person employed by the state as is required by the National Treasury's Municipal Supply Chain Management regulation. The report further indicates that these awards were made to providers who were in the service of the Municipality in contravention of section 112(j) of the Municipal Financial Management Act (MFMA). The SIU, in its 2013 annual report, also found that a service provider misrepresented information in the bid application form relating to Human Development Index status and area of municipal location for which preferential points were awarded. Analysis of the bank statements revealed that the service provider was overpaid R293,145 and R182,856 respectively. Two payments of R97,715.10 and R195,430.20 were paid to the service provider for additional services that were required after the contract between the Municipality and the service provider had expired.
- **Kickbacks:** These are undisclosed payments made by vendors to employees of purchasing companies. The purpose of a kickback is usually to enlist the corrupt employee in an over billing scheme (Wells, 2014:244). According to Coenen (2009:155), kickbacks occur when a company overpays for goods and services and a vendor gives part or all of that overpayment to the perpetrator. The SIU (2013:45), in its annual report for the City of Tshwane Metropolitan Municipality, found that regarding the "Procurement matter within Metro Police: The investigation confirmed collusion between the senior procurement official within the Metro Police and seven service providers.

The collusion involves the awarding of several contracts worth R77.7 million. The SIU further established that an official received gratification to the value of R16 million.”

- **Theft:** According to Crumbley (2013:5021) and Pasco (2009:30), “theft” is a generic term for a number of crimes where a fraudster intentionally takes personal property of another without consent or permission and intends to appropriate it to the fraudster’s use. The Auditor-General (2013) expressed an opinion of the consolidated financial statements of the City of Tshwane Metropolitan Municipality and found that non-technical losses for the period under review (2013) amounted to R227,521,814 (2012: R328,522,294) and this was due to theft, tampering and faulty meters.
 - The most common manifestations of corruption in the City of Tshwane Metropolitan Municipality are misconduct, fraud, corruption, bribery, theft, illegal connections (water and electricity) and tender irregularities as evidenced in the City of Tshwane Metropolitan Municipality 2013 Consolidated Annual Financial Statements reported by the Auditor-General. These Annual Financial Statements report “material losses amounting to R622 720 993 (2012: R651 130 111) were incurred as a result of electricity distribution losses which represent 11,03% (2012: 12,11%) of total electricity available for sale. The total technical losses of electricity amounted to R395 199 179 (2012: R322 607 817).” According to the Public Service Commission report entitled *Profiling and Analysis of the most Common Manifestations of Corruption and its Related Risks in the Public Service* (PSC, 2011:12), other forms of corruption that raise concern have also been identified as: tender irregularities, misuse of government-owned vehicles and procurement irregularities. The SIU, in its annual report (2013:46) for the City of Tshwane Metropolitan Municipality, found that the building of the Soshanguve Giant Stadium and Hammanskraal stadium had not been completed at the time of the investigation and that preliminary findings indicated that an excess of R286 million had been spent already. The findings further revealed irregular awarding of tender and over-spending on

the original tender amount: the original tender amount was R12.4 million for the supply and distribution of electricity boxes. Payments identified at the time of the report exceeded R40.3 million. In the meantime, a former employee in the City of Tshwane Metropolitan Municipality had, subsequent to the awarding of the tender, become a director of one of the companies.

- **Embezzlement:** This includes theft of resources by people who are responsible for administering them; e.g. when disloyal employees steal from their employers. It is not considered corruption from a strictly legal point of view, but is included in a broader definition.
 - The Mudzuli for the City Press (2014) reported that R15m was spent in a month on takeaways for the City of Tshwane Metropolitan Municipality staff members who worked overtime although these allegations were dismissed by the City of Tshwane and that the administrators were not in a position to can explain how this money had been spent in one single month on takeaways at the time employees were working overtime.
 - These allegations were also reported by Mudzuli (2014), who writes that “the City of Tshwane’s tender statistics for August 2013, tabled at a municipal public accounts portfolio meeting, reflected this exorbitant amount spent on food, leaving members astonished. Tender Statistics for August 2013 listed that five contractors were awarded the contract in 2012 by the City of Tshwane’s financial services department for supplying, delivering and off-loading standby food parcels to the amount of R15m.”

- **Graft** is defined as the use of public stature to gain illegal benefit. Technically, corruption covers an entire host of abuses, of which graft is one. Graft and corruption are charges that are typically levelled at highly placed government officials, who are able to use public funds to improve their own fortunes due to increased access, influence, knowledge or power that comes with an elevated position. Burke and Cooper (2009:1) and the Gauteng Anti-Corruption Strategic Framework (South Africa, 2009:23-24) support the above statement in that

corruption in the public service manifests itself in various forms, including but not limited to: bribery, fraud, extortion and favouritism.

- Corruption exists when there is motive, opportunity and impunity of action. It has further been established that the elements of corruption are unlawfulness, benefit, person and intention.
- Poorly compensated public servants are the most vulnerable to committing fraud and/or corruption in search of additional sources of income.
- The various forms in which corruption manifests itself in the City of Tshwane Metropolitan Municipality do indeed exist, although the City of Tshwane Metropolitan Municipality Forensic Investigating Unit mostly investigates cases related to misconduct, unethical behaviour, conflict of interest, abuse of CoT property, illegal connections, irregular appointments of service providers, tender irregularities, nepotism and housing irregularities. It has been established through the literature review that these are also considered manifestations of corruption.
- According to newspaper reports, the Special Investigating Unit (SIU) uncovered evidence of a long list of fraud, corruption, tender-rigging, kickbacks, irregular appointments and other cases of wrongdoing within the South African Public Service, but it seems none of these are quite as rotten as the City of Tshwane Metropolitan Municipality. The SIU was authorized by President Jacob Zuma to investigate allegations of 'financial mismanagement, human resource irregularities, and non-compliance with internal processes' at the Tshwane Metro in December 2010. The investigation of the SIU unmasked 65 municipal officials with interests in 66 companies doing R185 million worth of business with the municipality" (de Lange, 2012).

4.3 RECOMMENDATIONS

The following recommendations are provided, based on what was discovered during the course of this research.

Research question 1

What is the role of forensic investigation in combatting the various manifestations of corruption in the City of Tshwane Metropolitan Municipality?

- It is recommended that investigators acquire the necessary and essential training in corporate forensic investigations prior to dealing with cases of alleged corruption. This will enhance their knowledge and capacitate them in dealing with these cases instead of having to rely on the SAPS to help them investigate cases of alleged corruption. This may also assist in speeding up cases of alleged corruption that have been long outstanding within the Municipality and proper feedback can then be given to whistleblowers.

Research question 2

What are the standard procedures for investigating corruption cases?

- In dealing with investigations into cases of alleged corruption and taking the three-pronged approach (deterrence, prevention and education), it is recommended that the City of Tshwane Metropolitan Municipality take into cognisance the principles of integrity, which are: a high standard of professional ethics; productivity: using the resources of state economically, efficiently and effectively; accountability and stewardship in the use of the state's resources; transparency: give the public accurate, timely, useful and accessible information; and, lastly, appointments in the public service must be based on objective, fair considerations and on objectivity as outlined in the Constitution.
- Although it is said that the City of Tshwane Forensic Services Unit has in place an approved methodology in their Standard Operating Procedures (SOP) when conducting investigations, a copy of which was not afforded to the researcher, the researcher wishes to recommend to the City of Tshwane Forensic Investigation

Unit that it considers the Hong Kong strategy in dealing with investigations, which has the potential to assist the Unit in conducting complex investigations.

- Man-wai (2006:196-201) suggests and asserts the following in dealing with corruption offences: The Hong Kong Independent Commission Against Corruption (ICAC) is understood to be one of the most successful models in the world in the fight against corruption, turning a very corrupt city under colonial government into one of the relatively corruption-free places. One of the ICAC's success factors is its three-pronged strategy — fighting corruption through deterrence, prevention and education. All three are important, although deterrence is the most important. In an effort to fight corruption from all angles, the ICAC has devoted over 70% of its resources to its Operations Department, which is responsible for investigating corruption. For this reason the mission of the ICAC Operations Department is — **to make corruption a high-risk crime**. To achieve this, the Department employs a professional and dedicated investigative force.

Prerequisites for an effective investigation

For an essential need for professionalism in the investigation of corruption, there are several prerequisites to an effective corruption investigation to be observed:

Independence — corruption investigations can be politically sensitive and embarrassing to the Government. The investigation can only be effective if it is truly independent and free from undue interference. This depends very much on whether there is a top political will to fight corruption in the country, and whether the head of the anti-corruption agency has the moral courage to stand against any interference.

Adequate investigative power — because corruption is so difficult to investigate, investigative agencies need adequate investigative power. Apart from the normal police power of search, arrest and detention, the ICAC has power to check bank accounts, intercept telephone communications, require suspects to declare their

assets, require witnesses to answer questions on oath, restrain properties suspected to be derived from corruption, and hold the suspects' travel documents to prevent them from fleeing the country. Not only is the ICAC empowered to investigate corruption offences, both in the Government and private sectors, they can investigate all crimes which are connected with corruption.

Adequate resources — investigating corruption can be very time-consuming and resource intensive, particularly if the cases cross jurisdictions. In 2007, the HK ICAC's annual budget amounted to US\$90M, about US\$15 per capita. It represents only 0.3% of the entire Government budget or 0.05% of the Gross Domestic Product (GDP).

Confidentiality — it is crucial that all corruption investigations be conducted covertly and confidentially, at least before an arrest is made, so as to reduce the opportunities for compromise or interference. On the other hand, many targets under investigation may prove to be innocent, and it is only fair to preserve their reputation before there is clear evidence of their corrupt deeds. Hong Kong, has promulgated laws which prohibit any one, including the media, from disclosing any details of ICAC investigation until overt action such as arrests and searches have been taken.

International mutual assistance — many corruption cases are now cross-jurisdictional and it is important that investigative agencies obtain international assistance in the areas such as locating witnesses and suspects, money trails, surveillance, exchange of intelligence, arrest, search and extradition, and even joint investigation and operation.

Professionalism — all the investigators must be properly trained and professional in their investigations. The HK ICAC strives to be one of the most professional law enforcement agencies in the world. ICAC is one of the first agencies in the world to introduce the interview of all suspects under video, because professional interview techniques and the need to protect the integrity of the interview evidence are

crucial in any successful corruption prosecution. The investigators must be persons of high integrity. They must adhere strictly to the rule of confidentiality, act fairly and justly in the discharge of their duties, respect the rights of others, including the suspects and should never abuse their power. As corruption is so difficult to investigate, they need to be vigilant, innovative and prepared to spend long hours to complete their investigation.

An effective complaint system — No anti-corruption agency is in a position to discover all corrupt dealings in the society by itself. They rely heavily on an effective complaint system. The system must be able to encourage quality complaints from members of the public or institutions, and at the same time, deter frivolous or malicious complaints. It should provide assurance to the complainants on the confidentiality of their reports and if necessary, offer them protection. Since the strategy is to welcome complaints, customer service should be offered, making it convenient to report corruption. A 24-hour reporting hotline should be established, and there should be a quick response system to deal with any complaints that require prompt action. All complaints, as long as there is substance in them, should be investigated, irrespective of how minor the corruption allegation. What appears to be minor in the eyes of the authority may be very serious in the eyes of the general public.

Understanding the process of corruption

It should be helpful to the investigators to understand the normal process of corruption, through which the investigators would be able to know where to obtain evidence to prove the corruption act. Generally a corrupt transaction may include the following steps:

Softening up process — it is quite unlikely that a government servant would be corrupt from his first day in office. It is also unlikely that any potential bribe-offerer would approach any government servant to offer bribes without building up a good relationship with him first. Thus there is always a “softening up process” when the briber-offerer would build up a social relationship with the government servant, for

example, inviting him to dinner and karaoke, etc. Thus the investigator should also attempt to discover evidence to prove that the government servant had accepted entertainment prior to the actual corrupt transaction.

Soliciting/offering of bribe — when the time is ripe, the bribe-offerer would propose to seek a favour from the government servant and in return offer a bribe to him. The investigator should attempt to prove when and where this had taken place.

Source of bribe — when there is agreement for the bribe, the bribe-offerer would have to withdraw money for the payment. The investigator should attempt to locate the source of funds and whether there was any third person who assisted in handling the bribe payment.

Payment of bribe — the bribe would then be paid. The investigator should attempt to find out where, when and how the payment was effected.

Disposal of bribe — on receipt of the bribe, the receiver would have to dispose the cash. The investigator should try to locate how the bribe was disposed, either by spending or depositing into a bank account.

Act of abuse of power – to prove a corruption offence, a corrupt act or the abuse of position should be proven, in return for the bribe. The investigator needs to identify the documents or other means proving this abuse of authority. The task of the investigator is to collect sufficient evidence to prove the above process. He needs to prove “when”, “where”, “who”, “what”, “how” and “why” on every incidence, if possible. However this should not be the end of the investigation. It is rare that corruption is a single event. A corrupt government servant would likely take bribes on more than one occasion; a bribe-offerer would likely offer bribes on more than one occasion and to more than one corrupt official. Hence it is important that the investigator should seek to look into the bottom of the case, to unearth all the corrupt offenders connected with the case.

Methods to investigate corruption

Investigating corruption can broadly be divided into two categories:

- Investigating past corruption offences
- Investigating current corruption offences

Investigating past offences

The investigation normally commences with a report of corruption and the normal criminal investigation technique should apply. Much will depend on the information provided by the informant and from there, the case should be developed to obtain direct, corroborative and circumstantial evidence. The success of such investigations relies on the meticulous approach taken by the investigators to ensure that "no stone is left unturned". Areas of investigation can include detailed checking of the related bank accounts and company ledgers, obtaining information from various witnesses and sources to corroborate any meetings or corrupt transaction, etc. At the initial stage, the investigation should be covert and kept confidential. If there is no evidence discovered in this stage, the investigation should normally be curtailed and the suspects should not be interviewed. This would protect the suspects, who are often public servants, from undue harassment.

When there is a reasonable suspicion or evidence discovered in the covert stage, the investigation can enter its overt stage. Action can then be taken to interview the suspects to seek their explanation and if appropriate, the suspects' home and office can be searched for further evidence. Normally further follow-up investigation is necessary to check the suspects explanation or to go through the money trails as a result of evidence found during searches. The investigation is usually time-consuming.

Investigating current corruption offences

Such investigation will enable a greater scope for ingenuity. Apart from the conventional methods mentioned above, a proactive strategy should always be preferred, with a view to catch the corrupt red-handed.

In appropriate cases, with proper authorities obtained, surveillance and telephone intercepts can be mounted on the suspects and suspicious meetings monitored. A co-operative party can be deployed to set up a meeting with a view to entrap the suspects. Undercover operation can also be considered to infiltrate into a corruption syndicate. The pre-requisites to all these proactive investigation methods are professional training, adequate operational support and a comprehensive supervisory system to ensure that they are effective and in compliance with the rules of evidence.

As mentioned above, corruption is always linked and can be syndicated. Every effort should be explored to ascertain if the individual offender is prepared to implicate other accomplices or the mastermind. In Hong Kong, there is a judicial directive to allow a reduction of 2/3 of the sentence of those corrupt offenders who are prepared to provide full information to ICAC and to give evidence against the accomplices in court. ICAC provides special facilities to enable such “resident informants” to be detained in ICAC premises for the purpose of debriefing and protection. This “resident informant” system has proved to be very effective in dealing with syndicated or high-level corruption.

Investigation techniques

To be competent in corruption investigations, an investigator should be professional in many investigation techniques and skills. The following are the essential ones:

- Ability to identify and trace persons, companies and properties
- Interview technique
- Document examination
- Financial Investigation
- Conducting a search & arrest operation
- Surveillance and observation
- Acting as undercover agent
- Handling informers
- Conducting an entrapment operation

Professional investigative support

In order to ensure a high degree of professionalism, many of the investigation techniques can be undertaken by a dedicated unit, such as the following:

- **Intelligence Section**

As a central point to collect, collate, analyse and disseminate all intelligence and investigation data, otherwise there may be a major breakdown in communication and operations.

- **Surveillance Section**

A very important source of evidence and intelligence. Hong Kong ICAC has a dedicated surveillance unit of over 120 surveillance agents, and they have made significant contributions to the success of a number of major cases.

- **Technical Services Section**

Provide essential technical support to surveillance and operations.

- **Information Technology Section**

It is important that all investigation data should be managed by computer for easy retrieval and proper analysis. In this regard, computers can be an extremely useful aid to investigations. On the other hand, computers are also a threat. In this modern age, most personal and company data are stored in computers. The anti-corruption agency must possess the ability to break into these computers seized during searches to examine their stored data. Computer forensics is regarded as vital for all law enforcement agencies worldwide these days.

Financial Investigation Section

The corruption investigations these days often involve sophisticated money trails of proceeds of corruption, which can go through a web of off-shore companies and bank accounts, funds, etc.

It is necessary to employ professionally qualified investigative accountants to assist in such investigations and in presenting such evidence in an acceptable format in court.

- **Witness Protection Section**

ICAC has experienced cases where crucial witnesses were compromised, with one even murdered, before giving evidence. There should be a comprehensive system to protect crucial witnesses, including 24-hour protection, safe housing, new identity and overseas relocation. Some of these measures require legislative backing.

Conclusion and observation

In conclusion, the success factors for an effective corruption investigation include:

- An effective complaint system to attract quality corruption reports
- An intelligence system to supplement the complaint system and to provide intelligence support to investigations
- Professional & dedicated investigators who need to be particularly effective in interviewing techniques and financial investigation
- More use of proactive investigation methods, such as entrapment and undercover operations
- Ensure strict confidentiality of corruption investigation, with a good system of protection of whistleblowers and key witnesses
- International co-operation

As discussed by Man-wai (2006:111), there is no single solution in fighting corruption. Every country has to examine its unique circumstances and come up with a comprehensive strategy, but any strategy must embrace the three-pronged approach: deterrence, prevention and education. Ideally there should be a dedicated and independent anti-corruption agency tasked to co-ordinate and implement such strategy, and to mobilise support from the community. The researcher wants to make suggestions to the City of Tshwane Metropolitan Municipality, Forensic Investigation Unit to consider the Hong Kong approach in

dealing with corruption and the various forms in which corruption manifests itself in the Municipality.

- No case should either be too small or too complex for the forensic investigators. The researcher wants to recommend that the Unit considers specialized expertise (Forensic Accountants, Forensic Auditors, Forensic clerks, cyber forensic examiners, Lawyers and the South African Police Service when faced with complex investigations in the Unit. The capacity to investigate and prosecute corruption cases will also be improved, from both a disciplinary and criminal perspective.
- Adequate resources should be committed in the fight against corruption in the City of Tshwane Metropolitan Municipality which should also include heavy civil penalties being imposed on perpetrators in relation to (chapter 5) section 26 of the PCCA.
- Monitoring capabilities should be increased to detect corruption and fraud at an early stage. The Forensic Services Unit in the City of Tshwane should have regular meetings with key role players, for example, the AGSA, Public Protector, Anti-corruption Agencies, PSC and the NPA if the fight against corruption in the Municipality is to succeed. The elements of prevention, detection, investigation, prosecution, disciplinary action, monitoring and feedback, continuous systems improvement and education are to be synergised in these regular feedback meetings.
- In order to strengthen the fight against corruption within the City of Tshwane Metropolitan Municipality, it is recommended that the Forensic Investigation Unit should have regular meetings with the ACCC, which falls within the DPSA where information on anti-corruption best practices, including initiatives on prevention, detection and investigation of corruption can be shared among departments and agencies to better equip them in the fight against corruption.
- Anti-corruption legislation in the Municipality needs to be seriously strengthened to provide for stiffer penalties, this includes the strengthening of guidelines for corruption-related sanctions, protection whistleblowers in both the public and private sector with a view of insulating anti-corruption agencies from political

pressure. The battle South Africa is currently facing should not only be about anti-corruption but, it should further be about building a national integrity system in the country on the basis of our constitution and the principles of integrity enshrined therein.

- A very strong partnership between public service, private sector and civil society and the government to develop and implement integrated strategies in the fight against corruption should be investigated. It is further recommended that, through active involvement with the Public Service Commission, the speedy resolution of investigations and/or disciplinary cases emanating from National Hotline, should be closely monitored and resolved.
- Cases of alleged corruption should be prioritized and allocated to investigators as per seniority and complexity of the case.
- Regular feedback reports/sessions from the SAPS to the Forensic Services Unit should be strengthened on all the cases that have been forwarded to them, this should also include regular feedback reports/sessions from Disciplinary Committees established to deal misconduct and/or corruption related cases within the Municipality.
- It is recommended that the Unit compiles an updated register of all cases of alleged corruption that are either still under investigation or have been concluded, including the responsible investigator and the status quo of the investigation progress.

Research question 3

How does corruption manifest itself in the City of Tshwane Metropolitan Municipality?

- It is recommended that investigators familiarise themselves on the various forms in which corruption manifests itself and the definitions of each attached thereto. Corruption does not only manifest itself in the form of misconduct, unethical behaviour, conflict of interest and so on as has been identified by the Forensic Investigation Unit.
- It is clear that corruption manifests itself as well in the form of bribery, fraud, nepotism, embezzlement, graft, cronyism, nepotism, patronage, money

laundering, extortion, influence peddling, abuse of public office or property, abuse of power, conflict of interest, theft, kickbacks, insider trading, and under or over-invoicing. Unethical behavior includes covering up incompetence, fraud, bribery, corruption, sexual harassment, nepotism, victimization, subjective and arbitrary decisions, and disclosure of confidential information, tax evasion, speed money and inefficiency.

- A clear, consistent and sustained education strategy is needed to train investigators whom are involved in the detection, investigation, and prevention and combating of corruption to ensure that they remain up to date with current trends of corruption and the various forms in which corruption manifests itself in the public service and enforcement capabilities.

4.4 SUMMARY

It is clear from the above discussion that corruption in the City of Tshwane Metropolitan Municipality is rife and getting exacerbated, its effect are debilitating and affecting the economy negatively. Although South Africa has a plethora of anti-corruption strategies which are ineffective and have to-date not achieved the intended outcomes or desired results and although South Africa is loaded with investigation capacities, fighting the scourge of corruption is still far from being resolved and positive results being achieved as long as there is no political will from the government of the day.

The methodology and research design of this research have accordingly addressed the stated research questions and does indeed show that there is a definite process of investigation which should be followed when investigating cases of alleged corruption in the Municipality. The results show that there's a serious need to educate and training needed in the field of Forensic Investigations. There is also a need for specialized experts in the fields of Forensic Auditors, Forensic Accountants and Internal Auditors when dealing with complex investigations in the Municipality rather than to rush and arrest, charge, discipline and/or prosecute people or transfer these cases to the SAPS.

LIST OF REFERENCES

- Adebanwi, W. 2012. *Authority stealing: Anti-corruption war and democratic politics in post-military Nigeria*. CAP African World Series. Durham, NC: Carolina Academic Press.
- Albrecht, W.S. 2006. *Fraud Examination*. 2nd edition. Canada: Thomson South-Western.
- Amdur, R.J. 2002. *The Institutional Review Board members handbook: Principles of the Belmont Report*. Boston, MA: Jones and Bartlett publishers.
- Anastas, J.W. 1999. *Research design for social work and the human services*. 2nd edition. New York: Columbia University Press.
- Anderson, E. 2013. Municipal "Best Practices": Preventing fraud, bribery and corruption. International Centre for Criminal Law Reform and Criminal Justice Policy.
- Arnone, M. 2014. *Corruption: Economic analysis and international law*. USA: Edward Edgar.
- Auditing Profession Act see South Africa. 2005.
- Babbie, E. 2004. *The practice of social research*. 10th edition. Belmont, CA: Thomson Wadsworth.
- Babbie, E. & Mouton, J. 2010. *The practice of social research*. South Africa: Oxford University Press.
- Bachman, R. & Schutt, R.K. 2003. *The practice of research in criminology and criminal justice*. Thousand Oaks, CA: Pine Forge Press.
- Bachman, R. & Schutt, R. K. 2011. *The Practice of Research in Criminology and Criminal Justice*. 4th edition. Thousand Oaks: Sage.
- Basdeo, V. 2010. The curse of corruption in the South African police: A rot from within. *South African Journal of Criminal Justice*, 17(3): 385-400.
- Becker, R.F. 2005. *Criminal investigation*. 2nd edition. Jones and Bartlett Publishers-Canada.
- Becker, R.F. 2009. *Criminal investigation*. 3rd edition.
- Behr, A.L. 1998. *Empirical research methods for the human sciences*. 2nd edition. Durban: Butterworths.

- Beins, B.C. 2009. *Research methods: A tool for life*. 2nd edition. Boston, MA: Pearson Education.
- Bennett, W.W. & Hess, K.M. 2004. *Identification and Arresting suspects: Criminal Investigation*. Belmont: Wadsworth/ Thomson Learning.
- Bowen, G.A. 2009 Document analysis as a qualitative research method, *Qualitative Research Journal*, 9(2): 27-40.
- Brown, M. 2001. *Criminal investigation: Law and practice*. 2nd edition. Boston, MA: Butterworth-Heinemann.
- Browne, J. & Walker, J. 2002. Reader's Digest Word Power Dictionary. London: Reader's Digest Association.
- Burger, J. 2007. *Strategic perspectives on crime and policing in South Africa*. Van Schaik Publishers.
- Burke, R.J. & Cooper, C.L. 2009. *Research companion to corruption in organizations*. UK: Edward Elgar Publishing.
- Byrd, M. 2004. *Duty description to the crime scene investigator*. Miami: Miami Dade Police Department.
- Caiden, G.E. 2001. *Where corruption lives*. Kumarian Press.
- Cancer Institute. New South Wales. 2013. Fraud and Corruption Control Strategy. Version 2.0.
<http://www.cancerinstitute.org.au/media/216842/Fraud%20and%20Corruption%20Control%20Strategy.pdf> (Accessed 22 January 2015)
- CASAC (Undated). Corruption: Towards a comprehensive societal response.
<http://www.casac.org.za> (Accessed 22 January 2015)
- Casey, E. 2004. *Digital evidence and computer crime: Forensic science, computers and the internet*. 2nd edition. Florida: Academic Press.
- Centre for Business and Professional Ethics, University of Pretoria. 2006. Research report on corruption in the South African private sector. Commissioned by Business Against Crime South Africa.

- Champion, D.J. 1993. *Research methods for criminal justice and criminology*. Regents.
- Champion, D.J. 2000. *Research methods for criminal justice and criminology*. 2nd edition. New Jersey: Prentice Hall.
- Coenen, T.L. 2009. *Expert fraud investigation: A step-by-step guide*. Canada: John Wiley & Sons.
- Coronel, G. 2006. *Corruption, mismanagement, and abuse of power in Hugo Chávez's Venezuela*. No. 2. CATO Institute.
- Creswell, J.W. 2009. *Research design: Qualitative, quantitative and mixed methods approaches*. 3rd edition. Thousand Oaks, CA: Sage Publications.
- Creswell, J.W. & Clark, V.L.P. 2007. *Designing and conducting mixed methods research*. Sage Publications.
- Cronin, J. 2013. *We've been structured to be looted (A Senior Public Sector Manager). Some reflections on the systemic underpinnings of corruption in contemporary South Africa*. Johannesburg: University of the Witwatersrand.
- Crumbley, D.L. 2013. *Forensic and investigative accounting*. 6th edition. USA: CCH Incorporated.
- Dantzker, M.L. & Hunter, R.D. 2012. *Research methods: For criminology and criminal justice*. 3rd edition. Jones & Bartlett Learning.
- David, M. & Sutton, C.D. 2004. *Social research the basics*. London: Sage Publications.
- Dempsey, J.S. 2003. *Introduction to investigations*. 2nd edition. Belmont, CA: Thomson-Wadsworth.
- De Lange, D. July 30 2012. IOL News: Massive corruption in Tshwane exposed. <http://www.iol.co.za/news/politics/massive-corruption-in-tshwane-exposed-1.1351845> (Accessed, 13 February 2014)
- Denscombe, M. 1998. *Ground rules for good research: A 10 point guide for social researchers*. Philadelphia: Open University Press.
- Denscombe, M. 2010. *Ground rules for social research guideline for good practice*. New York: Open University Press.

- Denzin, N.K. & Lincoln, Y.S. 2011. *The sage handbook of: Qualitative research*. Sage Publications.
- Denzin, N.K. & Lincoln, Y.S. 2003. *Collecting and interpreting qualitative materials*. 2nd edition. USA. Sage Publications.
- Department of Health and Human Services (CDC). 2008. *Evaluation Brief*. No. 16.
- De Vos, A.S. 2003. *Research at grass roots. For the social sciences and human service professions*. 2nd edition. Pretoria: Van Schaik Publishers.
- De Vos, A.S., Strydom, H., Fouche, C.B. & Delpont, C.S.L. 2011. *Research at grass roots for social science and human service professions*. Pretoria: Van Schaik Publishers.
- De Vos, A.S., Strydom, H., Fouché, C.B., & Delpont, C.S.L. 2002. *Research at grass roots: for the social sciences and human service professions*. 2nd edition. Pretoria: Van Schaik.
- De Vos, A.S., Strydom, H., Fouche, C.B. & Delpont, C.S.L. 2005. *Research at grass roots: For the social sciences and human service profession*. 3rd edition. Van Schaik.
- Dintwe, I.S. 2013. The (In) effectiveness of anti-corruption programmes in addressing public sector corruption: A corporate governance perspective. *Journal of Public Administration*, 48(4): 553-567.
- Dowling, J.L. 1997. *Criminal investigation*. Texas: Sam Houston State University.
- Du Plooy, G.M, 2001. *Communication research: Techniques, methods and publications*.
- Du Plooy, G.M. 2009. *Communication research: Techniques, methods and publications*. 2nd edition. Mercury Crescent, Wetton, Cape Town: Juta & Co, Ltd.
- Dube, T. 2011. Thesis: *Systemic Corruption in Public Enterprises in the Harare Metropolitan Area: A case study*
- Dutelle, A.W. 2011. *An introduction to crime scene investigation*. Canada: Jones and Bartlett Publishers.

- Eterno, J.A. 2012. *A brief history of criminal investigation* (In) Birzer, M.L. and Roberson, C. *Introduction to criminal investigation*. London: CRC Press, p 3-16.
- Ferreira, I.W. 2005. *Curbing corruption in the Republic of South Africa: Learn how new measures put in place since the 1996 Constitution, such as the drafting of codes of conduct, whistle-blowing, and training initiatives, are making public officials more aware of the need for ethical conduct in their public dealings*. The Public Manager. 5th edition. Thomson Wadsworth.
- Fisher, B.A.J. 2004. *Techniques of crime scene investigation*. 7th edition. Washington D.C: CRC.
- Fink, A. 2010. *Conducting research literature reviews*. California: SAGE.
- Flick, U. 2011. *Introducing research methodology. A beginner's guide to doing a research project*. London: SAGE.
- Fouche, B. 2002. *Research strategies: In research at grass roots for the social sciences and human service professionals*. 2nd edition. Pretoria: JL Van Schaik Publishers.
- Gardner, R.M. 2005. *Practical crime scene processing and investigation*. Washington, DC: CRC Press.
- Gebeye, B.A. 2012. *Corruption and human rights: Exploring the relationships*. Human rights & human welfare. A forum for works in progress. Working paper no. 70.
- Genge, N.E. 2002. *The forensic casebook*. New York: Ballantine Books.
- Gilbert, J.N. 2004. *Criminal investigation*. New Jersey: Pearson Prentice Hall.
- Gilmore, A. 2008. Key issues in establishing a forensic audit capacity. *FMI IGF Journal*, 20(1):8.
- Gomm, R. 2008. *Social research methodology: A critical introduction*. New York: Palgrave Macmillan.
- Hagan, F.E. 2000. *Research methods in criminal justice and criminology*. 5th edition. London: Allyn and Bacon.
- Hardy, M. & Bryman, A. 2004. *Handbook of data analysis*. London: Sage

Publications.

- Hess, K.M. & Ortlmann, C.H. 2010. *Criminal investigations*. 9th edition. Canada.
- Hofstee, E. 2006. *Constructing a good dissertation. A practical guide to finishing a Masters, MBA or PhD on schedule*. Sandton: EPE.
- Hopwood, W.S. 2012. *Forensic accounting and fraud examination*. 2nd edition. New York: McGraw-Hill.
- Horswell, J. 2004. *The practice of crime scene investigation*. Washington D.C.: CRC.
- Houck, M.M. 2001. *Mute witnesses: Trace evidence analysis*. California: Academic Press.
- Houck, M.M. 2004. *Trace evidence analysis: More cases in mute witnesses*. London: Elsevier Academic Press.
- Houck, M.M. 2007. *Forensic science: Modern methods of solving crime*. Greenwood Publishing Group. USA.
- Howe, J., Duval, J.B., Shepard, C. & Gaffney, R. 2013. *General forensic – no one else starts until we finish* (In) Ubelaker, D.H. (ed). *Forensic science: Current issues, future directions*. Oxford: Wiley-Blackwell, p 6-28.
- Hussey, J. & Hussey, R. 1997. *Business research. A practical guide for undergraduate and Postgraduate Students*. London: Macmillan Press.
- Institute of Internal Auditors. 2014. *Auditing anti-bribery and anti-corruption programs: Practice guide*. Institute of Internal Auditors Global.
- ISDMN. 2012. Africa's Development Watch. *Africa's Public Service Delivery and Review*. 1(2)
- Institute of Leadership and Management. 2012. ILM Malpractice and Maladministration Policy. <https://www.i-l.com/~media/ILM%20Website/Sharepoint%20Documents/ Published%20Documents/D12 Malpractice and Maladministration Policy 1.1.pdf.aspx> (Accessed 22 January 2015)
- Jackson A.R.W. & Jackson, J.M. 2008. *Forensic science*. 2nd edition. England: Pearson Prentice Hall.

- Jackson A.R.W. & Jackson, J.M. 2003. *Forensic science*. www.booksites.net/jackson: Pearson Education.
- Jackson, A.R.W. & Jackson, J.M. 2004. *Forensic science*. Harlow: Pearson Education Ltd.
- Jacobs, D. 2011. *Analyzing criminal minds: Forensic investigative science for the 21st century*. Santa Barbara, CA: Praeger.
- Karagiozis, M.F. & Sgaglio, R. 2005. *Forensic investigation handbook: An introduction to the collection, preservation, analysis and presentation of evidence*. USA: Charles C Thomas Publisher.
- Kennedy, R.B. 2004. International association for identification. London. From: <http://www.theiai.org>.(accessed 22 January 2015).
- Khan, M.A. 2006. *Role of audit in fighting corruption*. Paper prepared for ad hoc group meeting on “Ethics, Integrity, and Accountability in the Public Sector: Re-building Public Trust in Government through the Implementation of the UN Convention against Corruption”. 26-27 September 2006. St. Petersburg, Russia
- Khan, R.A.R. 2007. *Fundamentals of criminal investigation: A handbook for law enforcement officers*. 2nd edition. Lahore: Haji Hanif & Sons.
- Khatri, N. 2003. Antecedents and consequences of cronyism in organizations. *Journal of Business Ethics*, 43: 289–303.
- Klitgaard, R. 2010. *Addressing corruption in Haiti*. February 2010.
- KPMG. 2006. *Corporate governance and King 3*. From <http://www.kpmg.com> (accessed 15 November 2013).
- Kranacher, M., Riley, R. & Wells, J.T. 2011. *Forensic accounting and fraud examination*. New York: ACFE.
- Kyambasela, G. 2006. Anti-corruption strategies in Africa. *Journal of Contemporary African Studies*, 23(1): 27-50.
- Lambrechts, D. 2001. Forensic investigation. *Pollex. Servamus*, 94(10): 93.
- Last, T. 2007. *The Key to Government Corruption: A South African Perspective with Global Applicability* Learning.

- Lee, H.C. & Harris, H.A. 2000. *Physical evidence in forensic science*. Tucson, AZ: Lawyers & Judges.
- Lee, H.C. & Labriola, J. 2006. *Dr Henry Lee's forensic files*. New York: Prometheus Books.
- Lee, H.C., Palmbach, T. & Miller, M.T. 2001. *Crime scene handbook*. Elsevier Academic Press.
- Leedy, P.D. & Ormrod, J.E. 2001. *Practical research: Planning and design*. 7th edition. New Jersey: Prentice Hall.
- Leedy, P.D. & Ormrod, J.E. 2005. *Practical research: Planning and design*. 8th edition.
- Leedy, P.D. & Ormrod, J.E. 2010. *Practical research: Planning and design*. Upper Saddle River, N.J., Harlow: Pearson Education International.
- Leedy, P.D. & Ormrod, J.E. 2011. *Practical research: Planning and Design*. 8th edition.
- Leedy, P.D. & Ormrod, J.E. 2013. *Practical research: Planning and design*. 10th edition. Ohio: Merrill Prentice Hall.
- MacHovec, F. 2001. *Private investigations, security science and public service*. 2nd edition. USA: Charles C Thomas.
- Madonsela, T.N. 2010. *Corruption and governance challenges: The South African experience*. National Conference on Corruption and Governance Challenges. Nigeria, 21 January 2010.
- Mafunisa, M.J. 2000. *Public service ethics*. Kenwyn: Juta & Co.
- Mafunisa, M.J. 2008. The role of codes of conduct in promoting ethical conduct in the South African public service. *South African Journal of Labour Relations*, 32(1):
- Majila, T. 2014. A comparative analysis of the implementation of anti-corruption legislation by anti-corruption agencies in the provinces of the Eastern and Northern Cape. *TD The Journal for Transdisciplinary Research in Southern Africa*, 10(1): 219-240.
- Makhanya, M.S. 2014. Welcome: UNISA/UNODC/PSC/ Commemoration of the 2014 International Anti-Corruption Day. 9 December 2014.

- Malunga, K. 2013. *Annual seminar students for law and social justice: Corruption and intimidation of whistle-blowers*. 16 August 2013. Brits, North West: Public Protector South Africa.
- Man-wai, KWOK, T. (undated). *Successful anti-corruption strategy, effective investigation and the role of government agencies in combating corruption*. 15th UNAFEI UNCAC Training Programme Visiting Experts' papers. Resource Material Series No. 89.
- Man-wai, KWOK, T. 2006a. Formulating an effective anti-corruption strategy – the experience of Hong Kong ICAC. In: Cornell, S. (ed.) Annual Report for 2005 and Resource Material Series No. 69, p 196-201. See NCJ-217726.
- Man-wai, T.K. 2006b. Investigation of Corruption Cases: The Eleventh International Training Course on the Criminal Justice Response to Corruption Visiting Experts' papers. Resource Material Series No. 79.
- Marais, C.W. 1992. *Physical evidence in crime investigation*. Pretoria: Henmar Publications.
- Maree, K. 2007. *Research*. Van Schaik Publishers.
- Marques, M. 2014. Internal audit in the public sector as a tool for risk prevention of corruption in public administration in Portugal. *Business and Management Research*, 3(3):.
- Martinez-Vazquez, J; Granado, J.A & Boex, J. 2007. *Fighting corruption in the public sector*. Amsterdam: Elsevier.
- Matthews, B. & Ross, L. 2010. *Research methods: A practical guide for the social sciences*.
- Maxfield, M.G. & Babbie, E. 2008. *Research methods for: Criminal justice and criminology*. 5th edition. Thomson Wadsworth.
- Maxfield, M.G. & Babbie, E.R. 2011. *Research methodology for criminal justice and criminology*. 6th edition. Belmont, CA: Wadsworth Thomson Learning.
- McMahon, R.J. 2007. *Practical handbook for professional investigators*. 2nd edition. CRC Press. Taylor & Francis Group.

- McNiff, J. & Whitehead, J. 2010. *You and your research*. Routledge: Wadsworth Thomson.
- McMillan, J. H. & Schumacher, S. 2001. *Research in education: A conceptual introduction*. 5th edition. New York: Longman.
- Monette, D.R., Sullivan T.J. & DeJong, C.R. 1994. *Applied social research. A tool for the human services*. 3rd edition. Northern Michigan University: Harcourt Brace College Publishers.
- Monckton-Smith, J., Adams, T., Hart, A. & Webb, J. 2013. *Introducing forensic and criminal investigation*. Sage Publications.
- Morrison, S.D. 2011. *Forms of corruption*. CESifo DICE Report 2/2011.
- Mouton, J. 2001. *How to succeed in your masters and doctoral studies: A South African guide and resource book*. Pretoria: Van Schaik.
- Mudzuli, K. 2014. ioL news: Council forks out R15m on takeaways. South Africa. <http://www.iol.co.za/news/south-africa/gauteng/council-forks-out-r15m-on-takeaways> (Accessed 24 February 2015)
- Mufamadi, F.S. 2002. Department: Provincial and Local Government: Promoting Good Governance and Accountability. Local Government Anti-Corruption Strategy.
- Nafte, M. & Dalrymple, B. 2011. *Crime and measurement: Methods in forensic investigation*. Carolina Academic Press.
- Nel, P. 2000. *A manual for community based crime prevention: Making South Africa safe*. New Jersey: Prentice Hall, Inc.
- Newburn, T., Williamson, T. & Hulton, H. 2007. *Handbook of criminal investigation*. Cullompton, Devon: Willan Publishing.
- Nicholson, L.G. 2000. *Security investigations: A professional's guide*. Boston, MA: Butterworth-Heinemann.
- Organisation for Economic Co-operation and Development (OECD). 2005. Fighting Corruption and Promoting Integrity in Public Procurement. OECD Publishing.
- Ogle, R.R. 2004. *Crime scene investigation and reconstruction*. New Jersey: Pearson Education.

- O'Leary, Z. 2005. *Researching real-world problems. A guide to methods of inquiry*. London: Sage Publications.
- O'Neil, T.W. & Lee, H.C. 2002. *Cracking cases: The science of solving crimes*. New York: Prometheus Books.
- Oliver, P. 2004. *Writing your thesis*. London: Sage Publications.
- Organisation for Economic Co-operation and Development (OECD). 2007. *Bribery in Public Procurement: Methods, Actors and Counter-measures*. OECD Publishing
- Ortega, D.L. 2010. *Primary determinants and the spatial distribution of corruption*. Department of Agricultural Economics, Purdue University. Working Paper # 10-6.
- Osterburg, J.M. & Ward, R.H. 2010. *Criminal investigation: A method for reconstructing the past*. 6th edition. Routledge.
- Palm, Y. 2000. *Basic aspects of document related investigations*. Pretoria: Government Printer.
- Pasco, G.A. 2009. *Criminal financial investigations: The use of forensic accounting techniques indirect methods of proof*. USA: CRC Press. Taylor & Francis Group.
- Patton, M.Q. 1990. *Qualitative evaluation and research methods*. 2nd edition. Newbury Park: Sage Publications.
- Peter, C.M. 2009. Confronting grand corruption in the public and private sector: A spirited new initiative from Tanzania. *Namibia Law Journal*, 1(2):
- Porta, D. 2012. *The hidden order of corruption: An institutional approach*. ASHGATE Prentice Hall.
- Creswell, J.W. 1994. *Research design, qualitative and quantitative approaches*. New Delhi: Sage Press.
- Mudzuli, K. 2013. Pretoria news: Tender flaws rife at metro council- A-G. South Africa. National Crime Prevention Centre.
- Pretty, I.A., Barsely, R., Bowers, C.M., Bush, M., Bush, P., Clement, J., Dorion, R., Freeman, A., Lewish, J., Senn, D. & Wright, F. 2013. Odontology-dentistry's contribution to truth and justice (In) Ubelaker, D.H. (ed). *Forensic science: Current issues, future directions*. Oxford: Wiley-Blackwell, p 179-210.

- Public Service Commission (PSC). 2006. State of the Public Service Report: Assessing the capacity of the State to deliver. Directorate: Communication and Information Services.
- Public Service Commission (PSC). 2011. Profiling and Analysis of the most Common Manifestations of Corruption and its Related Risks in the Public Service. RP: 40/2011. Silowa Printers. S.A.
- Public Service Commission (PSC). 2014. Annual Report 2013/2014. Republic of South Africa.
- PricewaterhouseCoopers (PWC). 2010. Simplifying reporting-moving to SME accounting. From http://www.pwc.co.za/en_ZA/za/assets (accessed 15 November 2013)
- Rauch, J. & Johannes, L. (undated) Citizens Reporting Corruption in South Africa: Reports received by Corruption Watch since its launch. Corruption Watch South Africa.
- Relief International. 2012. *Policy on reporting & investigating misconduct*.
- Richter, W.L. 2007. *Combating corruption, encouraging Ethics: A Practical guide to Management Ethics*. 2nd edition. Rowman & Littlefield Publishers, INC. UK.
- Rohwer, A. 2009. *Measuring corruption: A comparison between The Transparency International's Corruption Perceptions Index and The World Bank's Worldwide Governance Indicators*.
- Rose-Ackerman, S. 1999. *Corruption and government: Causes, consequences and reform*. Edinburgh: Oxford University Press.
- Rosenthal, R. & Rosnow, R.L. 1991. *Essentials of behavioral research. Methods and data analysis*. 2nd edition. McGraw-Hill.
- Ryder, N. 2011. *Financial crime in the 21st century: Law and policy*. Edward Elgar Publishing, Inc. USA.
- Sanchez, M.H. & Zhang, S.W. 2012. The role of the expert witness in accounting fraud cases. *Global Journal of Business Research*, 6(1):
- S v Botha and Others (1) 1995 (2) SARC 598 (w).

- Sennewald, C.A. & Tsukayama, J.K. 2001. *The process of investigation: Concepts and strategies for investigators in the private sector*. 2nd edition. USA: Butterworth-Heinemann.
- Shah, G. 2002. *Investigation of crime and criminals*. New Delhi: Anmol Publications.
- Shaler, R.C. 2012. *Crime scene forensics: A scientific method approach*. New York: CRC Press, Taylor and Francis Group.
- Silverstone, H. 2004. *Forensic accounting and fraud investigation for non-experts*. Canada: John Wiley & Sons.
- Singh, Y.K. 2006. *Fundamentals of Research Methodology and Statistics*. New Delhi: New Age International (P) Limited Publishers.
- Singleton, R.A. & Straits, B.C. 2010. *Approach to social research*. 3rd edition. New York: Oxford University Press.
- South Africa. Auditor General South Africa Annual Report. 2013. South Africa.
- South Africa. 2011. *Public Service Commission. Report on Profiling and Analysis of the most Common manifestations of corruption and its related risks in the public service. Pretoria:*
- South Africa. Code of Conduct for Public Service. South Africa: Government Printers.
- South Africa. 1996. Constitution of the Republic of South Africa. Pretoria: Government Printers.
- South Africa. Corruption Watch Annual Report 2013. South Africa.
- South Africa. Corruption Watch Annual Report 2014. South Africa.
- South Africa. Department of Public Service and Administration. 2003. Country Corruption Assessment Report. South Africa.
- South Africa. Department of Public Service and Administration (DPSA). 2002. *Public Service Anti-corruption Strategy*.
- South Africa. Department of Public Service and Administration (DPSA). 2003. Senior Management Service Handbook: Public Service 2003. South Africa.
- South Africa. Department of Public Service and Administration (DPSA). 2009. *Public*

Service Commission Rules on managing conflicts of interest, Schedule 1, 2009.

South Africa. Department of Public Service and Administration. 2002. South Africa.

South Africa. Department of Provincial and Local Government. Undated. Promoting Good Governance and Accountability. Local Government Anti-Corruption Strategy. RSA.

South Africa. 2009. Gauteng Anti-Corruption Strategic Framework 2009. South Africa.

South Africa. 2014-2019. Medium-Term Strategic Framework. Department: Planning, Monitoring and Evaluation. South Africa.

South Africa. Municipal Financial Management Act. 2003. Government Printers. South Africa.

South Africa. National Treasury. 2005. Treasury Regulations for departments, trading entities, constitutional institutions and public entities. Republic of South Africa.

South Africa. National Treasury. 2009. Internal Audit Framework. 2nd edition. Republic of South Africa.

South Africa. Prevention and Combating of Corrupt Activities Act, No. 12 of 2004. Government Printers. South Africa.

South Africa. 2014. Public Administration and Management Act, No. 11 of 2014. Government Printers. South Africa.

South Africa. 1999. Public Service Co-ordinating Bargaining Council Resolution 2 of 1999. South Africa.

South Africa. 2003. Public Service Co-ordinating Bargaining Council Resolution 1 of 2003. South Africa.

Special Investigating Unit. 2010. From: <http://www.siu.org.za/who-we-are> (accessed 15 January 2015).

Special Investigating Unit. 2011. From: <http://www.siu.org.za/who-we-are> (accessed 15 January 2015).

Special Investigating Unit. 2012. From: <http://www.siu.org.za/who-we-are> (accessed 15 January 2015).

- Stapenhurst, R. 2006. *The role of parliament in curbing corruption*. Washington, DC: World Bank Institute.
- Strauss, A. & Corbin, J. 1990. *Basics of qualitative research: Grounded theory procedures and techniques*. Newbury Park: Sage Publications.
- Swanson, C.R., Chamelin, N.C. & Territo, L. 2003. *Criminal investigation*. 8th edition. Boston, MA: McGraw-Hill.
- The South African Experience. Paper presented at the National Conference on Corruption.
- Thornhill, T.W. 1995. *Forensic accounting: How to investigate financial fraud*. New York: Irwin.
- Tilstone, W.J. 2013. *Fisher's techniques of crime scene investigation*. 1st international edition. London: CRC Press. Taylor and Francis Group.
- Tobah, B. 2010. *Why do employees act unethically: Is it the person, the issue, or the organization? Network for Business Sustainability*. Research Insights.
- Tracy, S.J. 2013. *Qualitative research methods: Collecting evidence, crafting analysis, communicating impact*. Wiley-Blackwell.
- Ubelaker, D.H. (ed). 2013. *Forensic science: Current issues, future directions*. Oxford: Wiley-Blackwell.
- U-Myint. 2000. Corruption: Causes, consequences and cures. *Asia-Pacific Development Journal*, 7(2):.
- Uneke, O. 2010. Corruption in Africa south of the Sahara: Bureaucratic facilitator or handicap to development? *The Journal of Pan African Studies*, 3(6):
- Unisa. 2007. *Policy on research ethics*. Pretoria: Unisa.
- United Nations Office for Drug Control and Crime Prevention: Centre for International Crime Prevention. 2001. Draft United Nations Manual on Anti-Corruption Policy. Vienna, June 2001.

- United Nations Economic Commission for Europe (UNECE). 2008. Guidebook on promoting good governance in public-private partnerships. United Nations. New York and Geneva.
- United Nations Development Programme: Fighting Corruption in the Education Sector: Methods, tools and Good practices. 2011. New York. USA.
- Van As, M. & Van Schalkwyk, M. 2000. *Research and information management IV and research methodology*. Florida (SA): Technikon South Africa.
- Van Rooyen, H.J.N. 2008. *The practitioner's guide to forensic investigation in South Africa*. Pretoria: Henmar Publications.
- Van der Westhuizen, J. 1996. *Forensic criminalistic*. 2nd edition. Johannesburg: Heinemann.
- Walker, M.J. 2014. *Forensic investigation of a sabotage incident in a factory manufacturing nut-free ready meals in the UK* <https://www.safaribooksonline.com/library/view/case-studies-in/9780857094124/xhtml/B978085709412450031X.htm> (Accessed on 06 January 2015.)
- Ward, R.H. 1975. *Introduction to criminal investigation*. Philippines: Addison-Wesley Publishing Company.
- Wells, J.T. 2014. *Principles of fraud examination*. 4th edition. Canada: John Wiley & Son.
- Welman, C., Kruger, F. & Mitchell, B. 2005. *Research methodology*. 3rd edition. Cape Town: Oxford University Press.
- Welman, J.C. & Kruger, S.J. 2002. *Research methodology for the business and administrative sciences*. 2nd edition. Cape Town: Oxford University Press.
- Welman, J.C. & Kruger, S.J. 2001. *Research methodology for the business and administrative sciences*. Cape Town: Oxford University Press.
- Welman, J.C. & Kruger, S.J. 2000. *Research methodology for the business and administrative sciences*. Oxford: Oxford University Press.
- Williams, M. & Vogt, W.P. 2011. *The SAGE handbook of innovation in social*

research methods. Sage Publications.

Williams, M. 2003. *Making sense of social research*. London: Sage Publications.

Wrage, A.A. 2007. *Bribery and extortion: Undermining business, governments and security*. Praeger Security International.

Wroblewski, H.M. & Hess, K.M. 2006. *Introduction to law enforcement and criminal justice*. 8th edition. Thomson Wadsworth.

Zuydam, L. December 18 2013. IOL News: Tshwane metro duo charged with corruption.

<http://www.iol.co.za/news/crime-courts/tshwane-metro-duo-charged-with-corruption-1.1624045> (Accessed, 13 February 2014)

Zysman, A. 2006. Forensic accounting demystified. Zysman Forensic Accounting. From: <http://www.forensicaccounting.com/one.htm#start> (accessed 22 January 2015).