

**ANALYSING THE SIGNIFICANCE OF MODUS OPERANDI AS AN
IDENTIFICATION TECHNIQUE IN RAPE CASES**

by

MUTONDI JOSEPH RATOMBO

Submitted in partial fulfilment of the requirements for the degree of

MAGISTER OF ARTS: CRIMINAL JUSTICE

in the subject

FORENSIC INVESTIGATION

at the

UNIVERSITY OF SOUTH AFRICA

Supervisor: Mr R.J. Mokwena

Date submitted: January 2021

DECLARATION

I, Mutondi Joseph Ratombo (Student Number: 36809314), hereby declare that the dissertation titled:

ANALYSING THE SIGNIFICANCE OF MODUS OPERANDI AS AN IDENTIFICATION TECHNIQUE IN RAPE CASES

is my own work, and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references. I also declare that I submitted the dissertation to an originality check software, and that it falls within the accepted originality requirements.

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

Signature: _____

Date: 17 January 2021

MJ Ratombo

DEDICATION

I dedicate this study to all South African Police Service investigators for their recognition of the rape crime perpetrators' *modus operandi* as a significant identification technique in rape cases.

ACKNOWLEDGEMENTS

I thank Almighty God for giving me the strength and courage complete this study.

I also wish to express my most sincere gratitude to all the individuals mentioned below for their invaluable assistance towards the completion of this dissertation:

- My supervisor, Mr R.J. Mokwena; for his guidance, support and believing in my ability to complete this dissertation.
- My wife, Mrs Khataza Chereyl Ratombo; for her great support, patience and assistance throughout my studies.
- My children, Ndivhuwo, Lutendo, Humbulani, Mukona and Mutondi; for their perseverance and many sleepless nights during the solitary moments of my studies.
- My mother, Muvhulawa Matodzi Ratombo, my sisters Masindi Maria Madilonga, Livhuwani Merium Mulaudzi, Shumani Violet Nchinyane and my brother Mbulaheni Nelson Ratombo; for believing in my resolute determination to finish what I started.
- Lieutenant General Elias Mawela, the Gauteng Provincial Commissioner of Police; for affording me the opportunity to undertake this research.
- The Station Commanders of the police stations: Brooklyn, Mamelodi East and Sunnyside for granting consent for their members to be interviewed for this study. Without them, this study would not have been completed successfully.

LIST OF ABBREVIATIONS

AIDS	Acquired Immune Deficiency Virus
CAS	Crime Administration System
CAS	Crime Administration System
CIO	Crime Intelligence Officer
CPU	Child Protection Unit
DNA	Deoxyribonucleic Acid
DoJ	Department of Justice
DPCI	Directorate for Priority Crime Investigation
DS	Detective Services
FCS	Family Violence, Child Protection and Sexual Offences
GIS	Geographic Information Systems
GP	Gauteng Province
GPS	Geographic Positioning Systems
HIV	Human Immuno-Deficiency Virus
ISS	Institute for Security Studies
MO	Modus Operandi
MRU	Murder and Robbery Unit
M-Tech	Magister Technologiae
NID	National Inspectorate Division
RMS	Record Management System
ROCC	Resolving of Crime Course
SANDF	South African National Defence Force
SAPF	South African Police Force
SAPS	South African Police Service
SOCs	Sexual Offences Courts
STI	Sexually Transmitted Infection
SVCU	Serious and Violent Crimes Unit
UNISA	University of South Africa
UREC	UNISA Ethical Clearance Committee

STUDENT NUMBER: 36809314
STUDENT: Mutondi Joseph Ratombo
DEGREE: Master of Arts (Criminal Justice)
DEPARTMENT: Forensic Investigations
SUPERVISOR: Mr RJ Mokwena

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ABSTRACT

Throughout the world, deeds of criminality in general and rape and other associated sexual violations in particular, are reflective of degenerated moral standards in society. While there are copious reflective perspectives on the causes and effects of rape, this research focuses specifically on the investigative capacity to address this scourge. In South Africa, the brutality of rape has reached such unprecedented proportions that it warrants extraordinary measures to thwart this malady from reaching levels that are reminiscent of a national state of emergency. Accordingly, the main purpose of this research is to explore, describe and analyse the role and significance of the *modus operandi* concept as a suspect or perpetrator identification technique in the investigation, apprehension and eventual conviction of rape perpetrators.

The study has opted for the qualitatively-informed constructivist-ethnographic research design approach, by means of which individual semi-structured interviews were conducted with eighteen law enforcement officers at their police stations. The non-probability criterion-referenced sampling strategy was employed to select both the participants at the three research sites at which the interviews were held. All the participants included in the study had previous experience in the investigation of rape cases, but were reshuffled during a restructuring for their placement in general detectives instead of the FCS unit.

The thematically analysed data derived from the eighteen participant interviews generated the study's main themes on whose basis the findings were established. These major themes are: database establishment; records management systems; the purpose and importance of the *modus operandi* investigative method; knowledge of criminal investigations; as well as the capacity to define, identify and individualise a rape and other sexual violations perpetrator or suspect.

Continuous retraining of investigators is recommended, including *modus operandi* techniques and the Crime Administration System of the South African Police Service to ensure the preparation and submission of admissible cases in courts of law.

Key Terms: criminal investigation; modus operandi; rape; crime scene observation; forensic investigation; databases; record management systems

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CHAPTER ONE

GENERAL ORIENTATION

1.1 INTRODUCTION

Rape is one of the most heinous sexually motivated crimes and human rights violations perpetrated largely by male persons against their fellow female counterparts (Mabasa, 2012:18; Ramathuba, 2011:11). Its predatory manifestations, magnitude, excoriating brutality and consequences have left victims, families, societies and sex crime experts with constantly haunted memories (Bennett & Hess, 2009:161). Since it usually involves (coerced and non-consensual) sexual penetration, rape is an extremely serious contact crime whose solvability factors warrant thorough and meticulous forensic investigation that provides evidentiary proof to link the perpetrator to the crime and scene of rape beyond any irrefutable doubt. Such irrefutable proof inevitably answers questions such as: *Who committed the crime of rape? How was the crime committed? When was the crime committed?* (Bennett & Hess, 2009:161). Criminologists have intimated that a rapist would most likely be linked to other forms of crimes (Mabasa, 2012:24; South African Police Services/ SAPS, 2018: 2). For instance, a perpetrator of a rape crime on a particular victim, could possibly be connected to the same crime committed previously on another victim elsewhere; and/ or the self-same rape criminal could be a substance abusing car thief and/ or gangster.

In addition to the afore-stated questions, the regularity and brutality of rape crimes and other related offences in South Africa (despite incessant interventions, public outcries, lamentations and awareness initiatives), has engendered a new and unprecedented dimension to the scourge of rape as a logic-defying phenomenon. Thus, a further question could be: *Why is rape and other related crimes continuing unabatingly throughout the country?* It is the researcher's contention that the totality of all the questions posed, necessitates escalated investigative savvy beyond ordinary solvability factors. In this regard, astute profiling of the rape criminals' *modus operandi* (methods of operation) should provide the wherewithal for even educating the public to prevent falling prey to such senseless, nay, inhuman and animalistic conduct.

Adams, Caddell and Krutsinger (2012:02) illuminate that a forensically impeccable compilation of a rape criminal's *modus operandi* provides the most cogent form of identifying a known or unknown suspect for prosecution and sentencing, especially that courts of law rely on credible and tested evidence to administer their judicial mandate to

society. Adams et al. (2012:02) and Bartol and Bartol, (2013:19) further mention that evidence by itself is not sufficient since perpetrators seem to continuously attempt to circumvent the law and manipulate the legality of the crime investigators' methods of collecting evidence (Richard, Grinnell, Yvonne & Unrau, 2015:103). As such, the above-mentioned authors argue that it is imperative for the collected rape evidence to be supported by irrefutable investigative processes that are above the scrutiny of rape criminals and their legal representatives. It is against this background that "rape" and "*modus operandi*" constitute the foremost concepts intersecting across the research topic, the research problem, as well as the main aim and specific objectives of this research (Leedy & Ormrod, 2013:28; De Vos, Strydom, Fouche & Delpont, 2011:33).

1.2 PROBLEM STATEMENT

A research problem is mainly premised on a challenge, concern or difficulty emanating from a state of affairs or situation which a researcher has observed and identified for systematic investigation in order to advance knowledge and propose practical solutions for the betterment of everyday living (Leedy & Ormrod, 2010:48; Kumar, 2011:16). In the case of this study, the research problem is fundamentally located within both the systemic and operational premises of policing in South Africa generally, and at the study's three research sites in particular – namely: the Sunnyside, Brooklyn and Mamelodi East policing precincts. The researcher contends that both the systemic and operational dimensions of the identified research problem are inextricable. For instance, the eradication of rape and related sex offences is largely the function and product of an adequately resourced investigative capacity (i.e. policing human resources) of the police, which in itself is a factor of the policy priorities and imperatives at the highest management of the SAPS and political echelons of the country in respect of the safety and security mandate (SAPS Act No 68 of 1995, Section 13 as amended).

At the systemic level, the research problem is a manifestation of a disjuncture between policy formulation and its end-product, namely, implementation of the foundational principles entailed in the very policy and/ or legal framework. It is at the systemic level that the decision was taken to 'demilitarise' the erstwhile South African Police Force (SAPF) from being a "force" (enforcing and entrenching apartheid laws), to a "service" provided for the protection of the post-apartheid constitutional rights of all citizens (Roelofse & Gumbi, 2018:14). The State is constitutionally mandated to safeguard and protect citizens and their property from all possible harm and risks to their well-being

arising from any internal and external threats (South Africa, 1996:112-119). In this regard, the armed forces and police services constitute the security cluster within government tasked with the discharge of its safety and security mandate to the country and its citizens. In the instance of this study, policing is paramount insofar as the South African Police Service (SAPS) - rather than the South African National Defence Force (SANDF) - is tasked with the responsibility of protecting all citizens against all forms of criminality, including the scourge of rape and its attendant sexual offences.

The systemic reconfiguration, or policy reorientation following the SAPF-SAPS transitioning, resulted in some shifting and removal of policing units. For instance, the child protection unit (CPU) was elevated to family violence, child protection and sexual offences (FCS), the murder and robbery unit (MRU) was permanently removed and replaced by the serious and violent crimes unit (SVCU). In addition, the promulgation of the revival of sexual offences courts (specifically addressing incidences of rape and related offences) is an indication of the further need to prepare thoroughly investigated and prosecutable cases (South Africa, 2007:4).

While the transitions and reconfigurations may not have altered the mandate of the SAPS to protect the citizenry of the country, the significance of citing these shifts highlights the need to constantly retrain and reskill the police concomitantly with escalating violent crimes - of which rape and sexual offences constitute a significant part. Thus, the police human resources in the sphere of crime detection, investigation and prevention will become perennially dented in the event that there is no concomitant 'balance' between levels of violent crime and corresponding and effective responses to such levels of criminality (Fisher & Fisher, 2012:33; Institute for Security Studies/ ISS, 2020:1).

At the operational level, the research problem is a manifestation of human resources challenges and skills deficiencies within the police service (Roelofse & Gumbi, 2018:16). Such a poignantly observed and identified challenge poses a threat to victims of crime in general, and sexually perpetrated transgressions in general. In the context of this study, the acute shortage of FCS detectives that investigate rape cases at three Pretoria police stations, namely, Sunnyside, Brooklyn and Mamelodi East is a serious disconcerting factor that has the potential to portray the SAPS in general as failing to execute its safety and security mandate to victims of rape and other rape-related crimes - given the magnitude of rape cases in recent times throughout the country (SAPS, 2020:110). There are twenty police stations in the Pretoria area. It is publicly known that the SAPS police

stations at Sunnyside, Brooklyn and Mamelodi East did not pay serious attention that each reported rape case deserved as most of the rape cases were withdrawn in court due to lack of convictable evidence. However, the researcher reiterates that all the participants included in the study had previous experience in the investigation of rape cases, but were reshuffled during a restructuring for their placement in general detectives instead of the FCS unit.

For purposes of this study, the researcher has keenly observed and identified the Sunnyside, Mamelodi East and Brooklyn police stations (all of which are located within the Pretoria policing precinct) as a writ large manifestation of the policing human resource challenges, compounded by the departure of a total of 20 experienced and skilled detectives at these police stations. This has left an indelible gap that has not been ameliorated with the necessary retraining of competent detectives to equip them with sufficient crime investigation skills to address the scourge of crimes such as rape. Such skills would entail perpetrator profiling through *modus operandi* investigative capacity and knowledge (Gilbert, 2010:34).

According to the SAPS crime statistics for the 2017/2018 financial year, rape (including attempted sexual assault) stood at 8, 062 for Gauteng Province, and at 8, 417 for the 2018/2019 financial year – an increase of 4.4% (SAPS, 2019:110). That there was a national increase in the prevalence of rape crimes logically implies that a corresponding increase was required to strengthen the human resources capacity in the sphere of rape investigation.

Apart from its operational domain, the problem of inept detective/ investigative acumen poses legal conundrums, especially in a post-apartheid environment characterised by a culture of rights which is often exploited by rapists' legal teams who are not averse to locating any investigative flaws as grounds to manoeuvre the accused or suspected rapist's way out of possible imprisonment. Against such a background, the human resources and skills problem at Sunnyside, Brooklyn and Mamelodi East police stations is disconcerting and the public's trust and confidence in the SAPS could be eroded irreparably (Roelofse & Gumbi, 2018:26). Some of the outcomes of the skills and knowledge deficiencies noted at the 3 (three) above-mentioned police stations include: most of the investigators do not connect the details of a specific rape crime with the available records pertaining to crime statistics, dockets, registers and convictions at their disposal.

1.3 RATIONALE AND SIGNIFICANCE OF THE STUDY

Unlike the research aim and objectives (both of which indicate *what* the researcher will do to address the identified problem), the rationale of the study relate to the reasons that prompted, justified or motivated the researcher to undertake this study to address the very same problem whose objectives are articulated later in this chapter (De Vos et al., 2011:116; Rani, 2016:2). On the other hand, the significance of the study pertains to the study's value or worth in respect of its potential epistemological contribution and to society in general (Mitchell & Jolley, 2012:110; Unrau, Gabor & Grinnell, 2015:47).

The researcher is a career law enforcement officer within the SAPS for more than 25 years, during which he worked in the National Inspectorate Division (NID) of the SAPS for about 10 years. He has amassed abundant experience in the Detective Services (DS), where he and conducted crime investigations for more than 25 years. Presently, he works in the Directorate for Priority Crime Investigation (DPCI), famously known as the "Hawks". This work-related and professional background and experience of the researcher is emblematic of the rationale that prompted and motivated his serious concerns with the disproportionate availability of investigative skills and knowledge against the rampant prevalence of rape and extant inadmissibility of evidence by detectives from the Sunnyside, Brooklyn and Mamelodi East police stations in particular.

The anticipated significance or value of the study is located within the realm of the expected contribution it will make to both the accumulated body of research-based knowledge (epistemology) in the field of crime investigation, as well as to society's practical/ everyday challenges and experiences (Maxfield & Babbie, 2011:108; Wiid & Diggins, 2013:16). Owing to a variety of reasons attributed to many police officers' uninspiring educational backgrounds, this study will serve as a motivational instrument for such officers to study further and equip themselves with academic knowledge to complement their service-related experience in crime investigation. For its epistemological significance and contribution, the study is valuable for its ethnographic generation of participant-inspired knowledge that would not necessarily be theoretical in its nature (Alvin, 2016:6). Based on the researcher's occupational profile and professional experience, it is envisaged that the study will also be a catalyst for systematic reprioritisation of increased police human resources in the training and advancement of

police officers in the acute field of crime detection and investigation. Ultimately, it is for the benefit of society that advanced criminal investigation.

1.4 LITERATURE REVIEW

The review of literature entails a systematic search, identification and synthesis of sources of information in order to advance resolution of the problem being studied or investigated in conjunction with its research questions and/or objectives (Okeke & Van Wyk, 2015:133; Yin, 2018:37). Amongst others, reviewed literature provides more insight into the research topic being studied in respect of previous studies conducted by others, recent methodological and theoretical developments, as well as topical debates and controversies of unresolved issues (Denscombe, 2012:60; Wiid & Diggins, 2013:16). The latter author emphasises also that literature review is not mere listing or summarising of literature sources. Rather, it encompasses thematic synthesis and analysis of multiple scholarly perspectives of the issue under investigation.

The advent of the 'knowledge economy' (necessitated by globalisation, the advent of mass information and communication technologies and mass-based education) compels that researchers review their literature throughout their investigations (Creswell, 2013:143). Terre Blanche and Durrheim (2009;19) summarise the importance of literature review thus:

- Historical reviews: tracing the order of the literature, from the past to the contemporary era;
- Thematic review: focusing on multiple perspectives from which an issue is approached;
- Theoretical reviews: considering various theoretical orientations to address the research problem in its empirical context;
- Empirical reviews: focusing on different methodologies to present and summarise empirical findings.

Given the complexity of searching for relevant sources of literature, it necessitates that the search and paring of literature sources be conducted strategically (Collis & Hussey, 2013:109; Terrell, 2016:21).

1.4.1 Literature Search Strategy

Both local and international literature sources were consulted, including academic textbooks, online databases, research articles in scientific peer-reviewed journals, and proceedings of academic conferences (De Vos et al., 2011:73). Additionally, a study on rape necessitated that some legal documents and other official government policy documents be consulted. Guiding the literature search strategy was the intention to identify differences and similarities on thematic issues of concern to the study (Collis & Hussey, 2013:110; Silverman, 2017:19).

Textbook references and their indexes at the end of chapters assisted the researcher to study in a focused manner. Online and Internet-based sources provided a global perspective of rape-related issues from meticulously compiled archives, while journal articles enabled the identification of specific issues and aspects relating to rape. In addition, the researcher constantly sought the advice of experts in the field of law enforcement and rape crime investigation in order to understand real-life issues on these subjects (Denscombe, 2012:60; De Vos et al., 2011:173).

As much as the global domain of rape provided the secondary and theoretical perspectives of the study, it is the local South African perspective that associates the research topic with the reality of the rape crime situation.

1.4.2 The Rape Scenario in South Africa

The prevalence of rape and other forms of sexually motivated crimes is not uniquely South African. Hence, the reviewed literature also provided insights for comparing its prevalence with that of other countries. Rape is also viewed as a serious problem in other Sub-Saharan African countries such as Kenya, which has laws to convict rapists on account of medico-legal evidence for survivors of rape crimes (Institute for Security Studies/ISS, 2020:1).

The astronomical and heinous prevalence of rape-related crimes in South Africa is in the public domain, and has recently been observed in the brutal rape and murder of a Limpopo Province university student who was stabbed 52 times by the lunatic rapist after the dastardly deed. Another university student in Cape Town was raped and subsequently murdered by a post office employee who also burnt the body of the victim. From the

researcher’s point of view, these gory and macabre deeds aptly demonstrate that ‘business as usual’ rape investigations and sentences were no longer sufficient to deter and thwart these increasing trends of rape crime. The astronomical prevalence of sexually motivated offences and crimes for the 2017-2019 period is demonstrated in Table 1.1 below.

Table 1.1: Sex crime statistics: 2017-2019

Type of Crime	Frequency of Occurrence
Rape	121 076
Sexual Assault	20 449
Attempted Sex Offences	6 271
Contact Sex Offences	3 954
Total	151 750

Source: Statistics South Arica, 2020:9)

The above figures include young children, girls and women, which also reflects the problem of what is now known as “toxic masculinity” (Childline, 2015). In addition to being raped by men and even young boys, children as young as 4 (four) years of age are also raped and murdered, even by their fathers.

Table 1.1 also shows that of all sexual offences, rape is the most common and highest, for only a three-year period (2017-2019). Such an undesirable state of affairs defines the crime landscape in the country. No wonder that women movements and other related non-governmental organisations have escalated the call for stringent interventions to the government. Against such statistical evidence, study’s emphasis on astute and effective rape crime investigations through the *modus operandi* technique is then justifiable (Richard et al., 2015:1030).

1.5 DEFINITION OF KEY CONCEPTS

Concepts constitute the foundational tenets of a theory, and also demonstrate the focal aspects of social research (Bryman, 2012:163). Furthermore, concepts provide clarity in relation to their interstitial connection with the units of analysis such as the research topic, research problem, research aim and objectives, as well as the research questions and data collection and analysis processes (De Vos et al., 2011:33). In this study, and this section particularly, all of the concepts entail different levels of (denotative, connotative

and contextual) meaning. It is for this specific reason that the meaning of each concept is specified in order to obviate any linguistic and/ or disciplinary ambiguity (Atkinson, Baur & Gaskell, 2010:312). With regard to this study, the definitions of each concept or term below also reflects an attempt by the researcher to reduce the orientation to disciplinary nomenclature or scientific parlance (jargon) that is mostly esoteric and only understood by members of specific academic or research communities (Babbie, 2010:137).

1.5.1 Crime

According to Dutelle (2014:6), Van Graan & Van der Watt (2014:144), a legal definition of crime in South Africa premises on the commission of an unlawful (wrongful) and intentional act or deed whose fundamental purpose is to cause harm to the person/s on, or against whom the particular crime is meted or committed. Anyone found guilty of a criminal offence is liable to lawful punitive measures deemed to be proportional to the magnitude of the crime committed. In this study, the commission of rape and other related sexual transgressions is regarded as the crime itself.

1.5.2 Crime Scene

The actual place or setting at which a crime or a legally prohibited act has occurred (Ward & Heerema, 2013:4). Becker and Dutelle (2013:28) augments that in addition to the geographic significance and location of the crime scene, a crime scene is further characterised by the visible and visible exhibits found at the physical location of the occurrence of the crime. In the study, the crime scene relates to places in the Pretoria area at which the commission of the crime of rape has occurred. In such instances, it is the duty of a competent crime investigator to amass undisputable evidence at the very scene in order to trace, apprehend and ultimately convict the known or unknown offender (Gilbert, 2010:34).

1.5.3 Crime Scene Investigation

A systematic and methodical process of determining scientific logic and facts on whose basis the commission of a crime at a particular place could be reliably established (Chisum & Turvey, 2011:147). Crime scene investigation further implies discovering relevant information and facts for the purpose of making inferences and reconstructing the occurrence of the scene of the crime in order to identify and apprehend the known or unknown offender(s) and eventually prepare a case for the courts to prosecute and convict the perpetrator (Gilbert, 2010:34).

1.5.4 Forensic Investigation

A scientifically inspired method of finding out the causes, methods and circumstances against which a crime was committed at a particular place (Bartol & Bartol, 2013:19) Mokwena, 2012:5). A forensic investigation also utilises various technological mechanisms to reconstruct the scene of a crime in order to establish absolute certainty for the identification and eventual apprehension of the perpetrator.

1.5.5 Forensic Science

The systematic application of scientifically accredited knowledge and logical principles for the objective resolution of a problem (Chisum & Turvey, 2011:16). With regard to this study, forensics science refers to the field of knowledge whose philosophical principles are relied on for the objective resolution of rape and other related sexual violations.

1.5.6 Identification

The establishment of the objective truthfulness and legal validity of the processes and methods employed to find something (Bayih, 2010:41). As it applies to the present study, identification is associated with finding the actual perpetrator of a sex-related crime by means of scientifically or empirically accredited methods such as the *modus operandi* or identikit techniques. In terms of the latter two techniques, the perpetrator is then identified according to the general class or group of known characteristics, traits or tendencies derived from other groups of variables displaying similar properties (Fisher & Fisher, 2012:5).

1.5.7 Investigation of Crime

As opposed to the crime scene investigation (which is specific to the place at which the commission of a (rape) crime happened), the investigation of a crime relates to the general detective work (processes and methods) used to reconstruct the occurrence of a crime with the ultimate intention of finding the transgressor or suspect to stand trial for the crime committed (Gilbert, 2010:34; Mokwena, 2012:4). With regard to this study, the investigation of crime would relate to systematic detective and investigative processes aimed at finding the person suspected of having committed a rape or sexual crime.

1.5.8 Modus Operandi

A method of operation by which a crime suspect or offender displays patterned behaviour as a unique characterisation of the planning and execution of a crime (Hazelwood & Burgess, 2009:172). In this study, *modus operandi* is the most central feature of criminal investigations aimed at placing an offender or suspect at the rape crime scene for purposes of collecting and processing admissible evidence before a court of law. Also,

the successful establishment of a particular *modus operandi* assists crime investigators to individualise and identify a specific suspect wanted for a specific rape case.

1.5.9 Physical Evidence

All the material objects and factors relating to the nature and circumstances of a particular crime (Fisher & Fisher, 2012:1). In this study, physical evidence (e.g. blood spots and pieces of clothing) is the primary source of admissible evidence linking a perpetrator to a particular crime. Furthermore, physical evidence can be obtained by both traditional and forensic criminal investigation methods.

1.5.10 Rape

According to the Criminal Law (Sexual Offences and Related Matters) Amendment Act. (No. 32 of 2007), rape is an intentional and unlawful act committed through coerced sexual penetration and without consent of the person (man or woman) being raped (South Africa, 2007:10). Accordingly, statutory rape occurs in the event of coerced or consensual sexual intercourse between an adult male or female and a minor who is a male or female (below 18 years of age). In this study, rape constitutes an important part of the research problem, and also constitutes persons of the same gender. Hence, the emphasis on *modus operandi* as a guiding principle in the resolution of rape cases by appropriately trained and knowledgeable rape crime investigators.

1.6 AIM/ PURPOSE OF THE RESEARCH

The research aim or purpose, by virtue of the generality of its statement, is distinguishable from an objective of the study, and relates to the broadly stated intentions of the researcher (Wilson, 2014:43). The main purpose of this research is: *To explore, describe and analyse the role and significance of the modus operandi concept as a suspect or perpetrator identification technique in the investigation, apprehension and eventual conviction of rape perpetrators.*

1.7 OBJECTIVES OF THE RESEARCH

As opposed to the study purpose or aim, the objectives of the research refer to the specific intentions of the researcher, as well as the measurable and attainable activities undertaken within a particular timeframe to realise those intentions (Oates, 2012:16; Mokwena, 2012:3). Accordingly, the objective of this research are:

- To explore, describe and analyse literature-based perspectives pertaining to the *modus operandi* investigative technique and its associated issues in rape and other related sexually motivated cases;
- To explore, describe and analyse the ethnographic knowledge, experiences and perceptions of participants relating to the *modus operandi* investigative technique and its associated issues in rape and other related sexually motivated cases; and

1.8 RESEARCH QUESTIONS

By their nature and definition, research questions are inherently the interrogative version of the research objectives (Bless, Higson-Smith & Sithole, 2013:71). Accordingly, research questions establish a continuum between the research problem, research objectives, as well as the related data collection and analysis methods (Denscombe, 2012:74; Unrau et al., 2015:43). Therefore, and in tandem with the above-stated objectives of this research, the study addresses these research questions:

- What are the main literature-based perspectives concerning the *modus operandi* technique in the investigation of rape and other related sexually motivated cases?
- What are the participants' views concerning the *modus operandi* technique in the investigation of rape and other related sexually motivated cases?

1.9 PROPOSED RESEARCH METHODOLOGY

The proposed research methodology entails the design of processes and instrumentation adopted in the data collection processes (Mouton, 2011:107). Both the research design and approach define the proposed methodology in this study.

1.9.1 Research Design

The research design specifically relates to the philosophical constructs that guided both the data collection and analysis *processes* (Kraska & Newuman, 2012:70). The study has adopted a constructivist research design approach, which emphasises the ethnographic/naturalistic or ecological perspectives of data gathering. Constructivism accentuates research participants as the primary sources of information. As such, their subjective experiences, perceptions and knowledge constitute an indispensable environment with which their view of reality is constructed (Maxwell, 2013:2; Sarantakos, 2012:105).

1.9.2 Research Approach

Bogdan and Biklen (2007:24) assert that research approaches are premised on a particular philosophical paradigm or perspective which the researcher has adopted.

Consonant with the constructivist/ethnographic perspective mentioned in sub-section 1.9.1 above, the present study has adopted a predominantly *qualitative* approach.

The choice of a qualitative research approach was influenced mainly by the study's orientation towards a participant-inspired mode of data gathering (Champion, 2013:135). As opposed to quantitative research approaches and their emphasis on numerical/statistical configurations, the qualitative approach mainly focuses on the narrational statements generated through the researcher's interactions with the selected study participants (Leedy & Ormrod, 2010:135). The participants' *own* words/voice (rather than the researcher's imposition) play a critical role in the formulation of the evidence of the study (Edmonds & Kennedy, 2014:350). In addition, the researcher's observation of participants' non-verbal attitudes and behaviours are recorded as part of the articulation of the study's evidentiary framework or base.

In this study, the participants' demographic information constituted the only quantitative aspect of the study. Even so, that does not constitute a relevant basis for a predominantly quantitative (positivist) approach since the demographic statistics were not in direct response to any pertinent questions reflected in the Interview Schedule (Creswell, 2013:184). Further, the quantified direct responses to the core interview questions did not necessarily change the interview to a questionnaire.

1.10 DATA COLLECTION

Data collection premises on the systematic search, gathering and processing of pertinent information from diverse sources and scholarly perspectives (Blanche, Durrheim & Painter, 2014:51). In this regard, both literature/secondary and non-empirical and primary or empirical sources of information complement each other to provide a consolidated and triangulated data collection framework (Bless et al., 2013:118; Leedy & Ormrod, 2010:88). For the purpose of this study, data was initially collected through (inanimate) literature and people-based sources. In fact, the people-/ participant-focused orientation of gathering data is resonant with the ethnographic/ ecological research approach. Thereafter, a pre-investigative or preliminary (pre-testing) of the research instrument (interview guide) was conducted and culminated in the actual interview sessions with the sampled eighteen participants.

1.10.1 The Individual Interview Process and its Procedures

An interview is basically a reflection of the researcher's face-to-face dialogues, discussions, and conversations with his/her participants; considering that interviews are not only mere question-and-answer sessions (Leedy & Ormrod, 2013:151). It is the study's main empirical research instrument for data gathering by means of audio-recordings and participant observations. As opposed to focus group discussions, for instance, interviews are advantageous in that they provide a degree of privacy and anonymity to individuals who are uncomfortable discussing professional issues in a group and do not wish to be seen to be doing so (Edmonds & Kennedy, 2014:350). Furthermore, the semi-structured individual interview mode was employed due to its adaptability as probing questions are asked according to the proceedings of the interview until saturation of data has been reached (Mitchell & Jolley, 2012:301).

It is worth noting that, the researcher also recognised the importance of observing all ethical protocols during the individual interviews with the eighteen sampled participants (Creswell, 2014:183). For purposes of standardising each one-on-one interview session, the researcher applied the following procedures as proposed by Leedy and Ormrod (2010:159-160), Mokwena (2012:10) and other authors:

- Following granting of ethical clearance by the University of South Africa (UNISA), appropriate request letters were written to the relevant SAPS authorities for permission to undertake the study on their premises (see Annexures A to C);
- Informed consent was sought and subsequently obtained from the eighteen participating police officers (see Annexure D);
- A pre-arranged boardroom was secured at Sunnyside Police Station as the venue for the one-hour sessions of the audio-recorded interviews. No disturbances were encountered throughout these sessions;
- During each session, the researcher first introduced himself to the participant for purposes of establishing an atmosphere of collegiality and relaxed interaction;
- A full disclosure of the interview purpose was made by the researcher, including the use of the findings after the interview sessions;
- The researcher also informed each participant of their right to privacy, autonomy, confidentiality, and other rights indicated in Section 1.14 of this study;
- Participants were not interrupted when responding to questions posed from the interview schedule, which was only known to the researcher;

- At no stage were participants asked to divulge their identities, except filling-in their biographic details on a separate form (see Section 4.2 in this study);
- Probing questions were utilised for the elicitation of more information in order to reach data saturation in each interview session;
- Since the interviews were audio-recorded, the researcher occasionally wrote field notes to enhance the observed non-verbal communication aspects of each participant;
- The researcher treated each participant fairly, un-authoritatively, respectfully and in a dignified manner befitting the conventional collegiality within the ranks of the SAPS;
- The researcher desisted from anything that deviated from the interview questions, and remained calm and objective throughout; and
- Each session was concluded with “Thank you for your time and participation” by the researcher

It is worth noting that at no stage did the researcher conduct any case docket analysis, largely due to the inaccessibility of sensitive information contained in those case dockets, which could also jeopardise or compromise the integrity of the investigative processes and all parties involved (including witnesses, the perpetrator, and the victim(s) of rape).

1.10.1.1 Preliminary Testing of the Research Instrument

The purpose of pre-testing the interview questions was to ensure that any weakness or faulty questioning could be rectified prior to the actual interview-based encounter with the selected participants at their naturalistic/ecological environments (Mitchell & Jolley, 2012:301). In addition to the review of literature as the foundational data collection technique (see Section 1.4, p. 5) and the semi-structured one-on-one or individual interviews (see sub-section 1.2 below), the researcher pre-tested the eventual interview guide as a preliminary or pre-investigative mechanism before its actual administration on the sampled participants (Atkinson et al., 2010: 355).

Initially, the researcher purposively identified and selected five (5) crime investigators from the three police stations selected as the eventual research sites, who were not part of the final sample size of the study. In compliance with research ethical protocols, the researcher fully disclosed and explained the purpose of the study to them, and none of their personal and private information was asked (Bless et al., 2013:238). Subsequent to these preliminary individual interviews with the five investigators, the researcher discussed their response with his academic supervisor. Only minor changes were recommended, and the final interview schedule (see Annexure E) reflects the refined outcome of the recommended minor changes.

1.11 SAMPLING AND SAMPLING PROCEDURES

As opposed to the literature-based information of the study, the sampling context (in conjunction with the interviews), presents a direct empirical phase in the study, during which the selected participants become first-hand providers of the information sought by the researcher in relation to both the research problem and study objectives (Creswell, 2013; DeVos et al., 2011). In this regard, the main elements of the sampling context were constituted by the research setting, study population, sample size, sampling strategy, as well as the sampling criteria that were predetermined by the researcher before the commencement of the interviews themselves.

1.11.1 Research Setting

A research setting is the actual physical location or place at which the study is conducted (Sekaran & Bougie, 2013:240). In addition to the place, the research setting also involves people, institutions and the context/environment in which the study itself takes place. Contextually, the study was conducted during which the occurrence of crime in general, and rape in particular had reached unprecedented barbaric proportions (see Section 1.4.2 in this study).

The affected institutions include private companies, the SAPS, courts of law, civil society organisations involved in rape and trauma counselling, among other. Private organisations include those from which forensic personnel, equipment and know-how is sourced (e.g. DNA testing), as well as academic institutions specialising in rape crime research. The SAPS (through its investigators) ensures that rape crime perpetrators are investigated and handed to courts of law, which prosecute and convict the guilty offenders and suspects or transgress.

As alluded in Section 1.2 of the study, it was held in Pretoria (SAPS Sunnyside), influenced by the known fact that the Brooklyn, Sunnyside and Mamelodi East police stations were fraught with allegations of failing to submit prosecutable cases in court. The Pretoria policing precinct consists of 36 (thirty six) police stations, but only the above-cited 3 (three) were chosen, based on the already mentioned common denominator of similar unresolved problem of rapes.

1.11.2 Study/ Target Population

Sekaran and Bougie (2013:240) and Houser (2014;178) illuminate that the target or study population is the entire universe or group of interest to the researcher, and from which a

representative sample is selected. Such a group is targeted because of its possession of characteristics or traits which are representative of the criteria established by the researcher in pursuing the study objectives, resolution of the research problem, and methods used to collect and analyse data accrued from their responses (Babbie, 2010:199; Bryman (2012:714).

Arising from the contextual dynamics of the research and its setting, the target population of the study comprises FCS detectives as a specialised unit that investigates rape cases at SAPS Sunnyside, Brooklyn and Mamelodi East. The researcher asserts that they are representative of the ‘universe’ of detectives in the Pretoria area of Gauteng Province (GP), due to the similarity of recruitment procedures and basic training they have all received as police officers administering the same laws within the same criminal justice system.

1.11.3 Sample Size and Sampling Procedures

A sample size is the actual number of participants selected in the interviews. Table 1.2 below indicates and confirms that 18 police officers (detectives) were involved as part of the study’s empirical data collection initiatives. Mention should be made that the different below-cited demographic variables in Table 1.2 are discussed in greater detail in Section 4.2. Suffice that reference to this table is mainly for illustrative reasons to indicate the distribution of the sample size in a more easily understood manner. Therefore, the various features of this table are not discussed or explain further in this section, in order to obviate possible repetitions and possible confusion arising from the conflation of statements.

Table 1.2: Sample size representation of study participants

Demographic Variable/ Item		Number	Percentage	Total
Gender	Female	8	44%	8
	Male	10	56%	10
Age in Years	29-39 years	4	22.2%	4
	39-49 years	10	56%	10
	49-59 years	4	22.2%	4
Marital Status	Married	18	100%	18
Ethnicity	African	9	50%	9
	Indian	3	17%	3
	White	6	33%	6
	Coloured	0	0	0
Education	Matric only	4	22.2%	4
	National diploma	10	56%	10
	Bachelor’s degree	4	22.2%	4
	1-5 years	0	0	0
	5-10 years	0	0	0

Demographic Variable/ Item		Number	Percentage	Total
Work Experience (Total Number of Years in the SAPS)	10-15 years	0	0	0
	15-20 years	10	56%	10
	20-25 years	8	44%	8
	More than 25 years	0	0	0
Rank (lowest to highest)	Constable	0	0	0
	Warrant Officers	6	33%	6
	Sergeants	2	11.1%	2
	Captains	10	56%	10
Current Position/ Designation	FCS (Family Violence, Child Protection and Sexual Offences)	13	72%	13
	General Detectives	5	28%	5
Number of Years in Current Position/ Designation	1-10 years	0	0	0
	10-15 years	6	33%	6
	15-20 years	12	67%	12
	More than 20 years	0	0	0
Total			100%	18

In summary, Table 1.2 above indicates that the sample size of 18 participants comprised 8 (eight) males and 10 females who are all police officers of different ranks in the South African Police Services.

1.11.3.1 Sampling Strategy/ Method

As indicated in the Abstract, the researcher utilised the non-probability criterion-referenced sampling strategy was employed to select both the participants at the three research sites at which the interviews were held. Generally, the non-probability context of sampling implies that there are possible difficulties in accurately determining and accessing the target population or research site (Cilliers, Davis & Bezuidenhout, 2014:137; Denscombe, 2012:72). However, the non-probability context also ensured that none of the participants and research sites were assured of any involvement prior to the study's execution as this would be unfair to others (police stations and officers in the Pretoria area).

Criterion-referenced sampling was preferred, due to a combination of the researcher's familiarity with the research environment, the heterogeneity of participants (e.g. in terms of age, rank and experience, among others); and the researcher's own (objectively determined) set of requirements for inclusion in the study (De Vos, et al., 2011:231; Unrau et al., 2015:280).

1.11.4 Sampling Criteria

Sampling criteria involves the norms, requirements or standard which the researcher has stipulated for participants to fulfill before there could be any consideration of their involvement in this study (Leedy & Ormrod, 2010:218; Okeke & Van Wyk, 2015:235).

1.11.4.1 Eligibility/ Inclusion criteria

For this study, the following criteria qualified the participants for inclusion/eligibility in this study:

- The most experienced investigators at the Sunnyside, Brooklyn and Mamelodi East police stations;
- Those who were involved in the investigation of rape cases for more than a year (twelve months); and
- Those with adequate understanding, knowledge and experience in the *modus operandi* of rape perpetrators.

Any potential/prospective participant who did not meet *all* of the above criteria, was not include in the study.

1.12 DATA MANAGEMENT AND ANALYSIS

The participants' audio-recorded narrative statements are considered as raw (unprocessed) data until they are converted into meaningful statements or 'knowledge' that is relevant to the study's objectives and resolution of the investigated problem (Creswell, 2013:195). Therefore, data management entails the systematic procurement and containment of the audio-recorded data such that it is saved from contamination. On the other hand, data analysis involves the systematic organisation and categorisation of data according to its recurring patterns of individual and groups of themes (Blanche et al., 2014:52).

Soon after the completion of the interviews, data was transcribed into Excel sheets and thematically analysed according to its categories and sub-categories as represented in Sections 4.3 and 4.4 of this study respectively. On the whole, both the non-empirical and empirical information (including the participant observation-based field notes and memos) according to the following crucial analytical process proposed by Bryman (2012:13), Creswell (2013:195), Leedy and Ormrod (2010:153) and Maxfield and Babbie (2010: 107), among others:

- All raw information was captured and categorised into smaller segments/units;
- The segmented sub-categories were perused, reviewed and analysed according to their commonalities and regularity of appearance;

- Excel tables were drawn to allocate thematic relevance to recurring individual and group categories; and
- The grouped categories were matched and converted into evidence based on both the research questions and objectives.

1.13 METHODS OF ENSURING SCIENTIFIC RIGOUR AND TRUSTWORTHINESS

Ensuring scientific rigour and trustworthiness is basically reflective of the measure by which the researcher provides assurance to the research, scientific and academic communities and the reading public about the quality, and monitoring and evaluation standards of the entire research process and its resultant findings (Creswell, 2013:68; Walliman, 2015:47). The validity of the overall research includes its general credibility and trustworthiness, to the extent that others perceive the study's findings to be convincing and worth taking seriously (Leedy & Ormrod, 2015:336). Accordingly, the basis for trustworthiness was established on account of the criteria of this qualitative study's dependability, credibility, transferability, and confirmability factors (Kumar, 2011:172).

1.13.1 Dependability

Kumar (2011:172) emphasises that dependability is a measure of coherence and stability of the research's internal processes in response to the changing conditions of the phenomenon being investigated. The extent of dependability of the study also determines the extent to which it could be trusted and relied on to deliver findings of the same quality when repeated (Bles et al., 2013:237; Donley & Graueholz, 2012:39).

Dependability of the study was ensured through a "thick" descriptive process detailing every stage of the whole research process from conceptualisation of the study to its conclusion through the empirical phase with the individual interview process and writing of the research report (Babbie, 2010:150). By auditing a trail of the study in this manner, the researcher ensured further that anyone interested in this study would be well conversant with issues involving *what, why and how* decisions were taken to inform the study on matters such as the choice of research topic, research problem, aim and objectives, as well as the data collection and analysis processes.

1.13.2 Credibility

The study's credibility is the extent to which it reflects its findings as an undiluted version or account of the participants' *own* view of their social world (De Vos et al., 2011:194; Kumar, 2011:172). Based on the research philosophy (constructivism) and approach

(qualitative) adopted, the measure of credibility also relates to the participant-focused perspective of the manner in which data was obtained within their familiar naturalistic or ecological environment (*terra firma*) – the SAPS Sunnyside, Brooklyn and Mamelodi East in which they were extremely at ease since they all worked there. In this regard, the data analysis process reflected variously in Section 4.2 and 4.3 of this study is a reflection of the participants' own version of their 'stories' by way of their responses to the interview questions.

The 'identities' of the participants were accurately captured through such examples as descriptions of the research site, sampling size and selection/recruitment criteria, among others. In addition, the researcher ensured regular communication and engagement with the study to ensure that he fully comprehended their views of reality even after the interviews were conducted (Creswell, 2013:251; Gravetter & Forzano, 2012:114). Moreover, the triangulation of literature, the interviews and relevant documents and records ensured that the findings were a credible account reality of the phenomenon of *modus operandi* in the context of rape and other sexual offences. In the process of triangulation, the verbatim transcription of audio-recorded statements ensured that the findings were a credible and believable version of the original record of the participants.

1.13.3 Transferability

Transferability is a factor of the study's applicability to other contexts with different participants (Bless et al., 2013:237). Donley and Graueholz (2012:114) add further that transferability should indicate the relevance of the knowledge obtained and conclusions reached in the original study should also apply in a different study conducted elsewhere under the same circumstances as those that prevailed previously.

In this regard, transferability was ensured with an accurate description of the analytic perspectives and processes when establishing the evidentiary framework of the participants and conclusion reached in Chapter 4 (Bless et al., 2013:238). In addition, data saturation was established to ensure that all participant perspectives were documented. These measures were the means to ensure that future researchers would understand such empirical perspectives to make decisions on their own.

1.13.4 Confirmability

Confirmability relates to an objective, relevant and accurate depiction of the participants' verbatim response as the basis for independent verification of the findings by other

competent researchers, peers or experts in the field of rape cases in particular, and/or criminality in general (Denscombe, 2014:33; Dutelle, 2014:28; Kumar, 2011:185).

Confirmability was reached by also ensuring the logical association of the research topic with the research problem, aim and objectives, as well as the data collection and analysis processes. Any disjuncture or discord would make it difficult for other competent and observing research methodology analysts to confirm or validate the extent to which these research variables were adopted and applied, focusing on the design and methodology, in particular.

During the preliminary report writing, the researcher consulted with his research participants to confirm the veracity of the findings as confirming their version of social reality, after which the supervisor was also consulted to confirm both the methodological presentation and findings of the study. No significant issues were cited by both the participants and the academic supervisor, and the final research report was written and submitted.

1.14 ETHICAL CONSIDERATIONS

Research that involves human beings is legally, morally, ethically and professionally compelled to adhere to certain standards of behaviour (Leedy & Ormrod, 2010:101). By implication, there are compliance standards to be adhered to by both the researcher and the participants.

1.14.1 Ethical Clearance and Approval

The researcher applied for ethical clearance from the UNISA Ethical Clearance Committee (UREC), which was subsequently granted as an indication for the researcher to commence with the study. The researcher then formally sought permission from the relevant SAPS authorities, which was also granted and after which the researcher submitted informed consent forms prior to conducting the interviews at SAPS Sunnyside Police Station (see Annexures A to E).

1.14.2 Informed Consent

Informed consent functions on the principle that participants are autonomous beings capable of making decisions independently and without the need for any coercion (Epstein & Carlin, 2012:890). A full disclosure of the study was made by the researcher, including the purpose of the study and the interview, as well as the use of the findings.

For this reason, the participants were made aware (reminded) of all their rights, and that they could also withdraw at any time during the interviews without any penalty against them. No financial promises were made to them, and they were allowed to ask questions during the interviews.

The interviewees were also informed that they had the right to report the researcher to the authorities if they were of the view that he was acting unprofessionally in any way. They could also take legal action if they considered the nature of the unprofessional conduct amounted to a serious violation of their rights. To prove his *bona fides*, the researcher provided his email and cell phone contact details, and only the email of the supervisor in the event that there was a need to report any unacceptable conduct. However, the interviewees were informed that the contact details were only for purposes associated directly with the study, and that they could not be used after the study had been concluded.

1.14.3 Right to Privacy, Confidentiality and Autonomy

Since their participation was voluntary, the researcher reciprocated the participants' sincerity and honesty by ensuring that no identifiers were required during the interviews (Leedy & Ormrod, 2010:102). Even their signed informed consents were not shown to anyone in the SAPS, or others interested in this study. In this study, they are also referred to as "participants", despite that they are known to the researchers. They were also not asked to identify themselves by name, position or police station at which they are based. The researcher informed and assured them that the records of the interviews will be shredded or destroyed after a period of five years, which made them at ease.

1.14.4 Protection From Harm

In a study of this nature, participating police officers were likely to be affected emotionally and psychologically on account of their professional involvement in rape cases, in which the likelihood of seeing murdered rape victims was always possible. Firstly, the researcher ensured that all interviews and subsequent probing questions focused solely on the investigative aspects of their work, rather than asking evocative questions relating to *how they feel* about their work (Kumar, 2011:172). As a precautionary measure, the researcher made arrangements for the immediate services of a local SAPS trauma counsellor. However, the need for such services did not occur. In addition, the interviews were held in a safe and secure boardroom at the SAPS Sunnyside Police Station.

1.14.5 Honesty With Professional Colleagues

For both professional/collegial and legal reasons, the researcher undertook to observe and respect the academic and scholarly work of others (Leedy & Ormrod,2010:103). Firstly, the Declaration (p. i) of this study demonstrates writ large, the researcher's recognition of the exegetic literature and other documents produced by professionals, experts and practitioners in the field of study involving rape crimes.

The complexity of rape crimes entail multidisciplinary perspectives. As such, the canonical, intellectual and methodological preferences and orientations of the multiple literature perspectives have been observed throughout this study by means of acceptable in-text and full bibliographic referencing as an acknowledgement of the various authors' work. Most importantly, the researcher has not attempted to concoct or fabricate his 'preferred' version or a particular perspective of the findings.

1.15 RESEARCH STRUCTURE

The research structure or layout represents the logical and thematic sequence of the research process and its chapters (Mouton, 2011:107).

Chapter 1 is a presentation of a general orientation or overview of the study in respect of its problem statement, rationale and significance, literature review, definition of key concepts, aim, objectives, research questions, research methodology, data collection and analysis; as well as the trustworthiness and ethical considerations.

Chapter 2 focuses entirely on the conceptual parameters, meaning, and the importance of rape perpetrators' *modus operandi*. The chapter essentialises the crime scene as the major setting for criminal investigations aimed at identifying and individualising the characteristics or qualities of a rape crime offender according to their *modus operandi*.

Chapter 3 specifically focuses on the *modus operandi* as a technique to identify rape suspects. Unlike Chapter 2, this chapter emphasises the suspect as the centre of the rape crime investigations.

Chapter 4 presents the data and its resultant findings and main conclusions, as well as recommendations. The most important aspect of this chapter is a determination of the extent of the association between the research objectives and the final outcome of the study. Finally, the researcher has made his own concluding remarks on some aspects of the study.

1.16 CONCLUSION

The main purpose of this chapter was to outline the most essential aspects of the study. Rape is by its nature an inhumane act, and violates the human rights of its victims. It is for this reason that criminal investigations have become a serious legal mechanism to search for the perpetrators and ultimately convict them. However, the law requires that everyone is innocent until proved and found guilty, and all are equal before the law – including (alleged) rapists. It is in this regard that effective criminal investigations are required to ensure that justice is dispensed beyond any doubt. Therefore, the *modus operandi* of rape perpetrators is one of the most effective means to identify wanted offenders.

The next chapter presents discussions on the importance of the *modus operandi* technique in the investigation of rape cases.

CHAPTER TWO

IMPORTANCE OF MODUS OPERANDI IN THE INVESTIGATION OF RAPE CASES

2.1 INTRODUCTION

The previous chapter presented an overview of the entire study in terms of its research design, literature review and relevant data collection and analysis process. On the other hand, the present chapter focuses specifically on the conceptual parameters of the research topic by centralising the notion of *modus operandi* and its importance in the investigation of rape cases. Furthermore, the chapter highlights salient aspects such as the documentation and investigation of rape crimes.

The *modus operandi* of a criminal relates to the established manner of his/her commission of crime (Jackson & Jackson, 2016:12). The investigative skills of the detective account for the successful establishment of the particular *modus operandi* of a criminal. When a *modus operandi* is classified, it serves as a valuable contributor for investigating the crime of rape. In the event that crime scene evidence and other helpful information has not been properly gathered, the criminal's *modus operandi* then becomes difficult to establish. *Modus operandi* patterns are more subtle, and require careful observation as well as extensive knowledge of criminal behaviour and of the crime previously committed by an individual (Harris & Lee, 2015:210).

By the nature of its occurrence, rape is categorised as a contact crime due to the touching that the perpetrator inflicts on the victim. Consequent to the deed of rape, many traces of visible and invisible evidentiary proof can be found at the crime scene. Visible evidence to the naked eye at the crime scene involves physical objects such as cigarette butts, knives and pieces of cloths. Invisible evidence requires expert technological skills, in addition to an investigating detective's training experience and knowledge. The latter type of evidence involves objects such as blood that may have soaked on the ground and obscured by outgrowths of grass; blood spat on the wall that may have been overpainted, and strands of hair hidden in linen. Both visible and invisible forms of proof at the crime scene are useful and very critical exhibits for rape crime investigators to locate and connect the rapist or sex offender to the scene of the crime.

Carefully and scientifically reconstructed crime scenes are an indication of competent investigative work which a court of law relies on to prosecute the offender. It is for such reasons in particular that the *modus operandi* technique could not be underestimated as

both an investigative and prosecutorial instrument for serving justice to victims of rape crimes and host of other forms of sexually perpetrated violence against women, young girls and children. Criminal investigations entail the identification of persons involved in the perpetration of a crime. In this regard, crime investigators utilise specific methods such as the perpetrator's *modus operandi* such that he/she can be investigated, traced and arrested as the person responsible for committing the alleged crime of rape.

2.2 DATA BASE ESTABLISHMENT AS AN INVESTIGATIVE INSTRUMENT

Conceptually, *modus operandi* is emblematic of a set of behaviours that characterise a crime perpetrator's way of conducting a crime successfully (Hazelwood & Burgess, 2009:172). Accordingly, advanced behaviour analysis is also a very helpful tool to connect a range of crimes to the same perpetrator(s). It is for this reason that data bases become useful in the establishment of profiles, behavioural patterns and other useful analyses of perpetrators of rape crimes in this case (SAPS, 2017:18). A database is a computerised data matrix that has been organised for the purpose of searching, retrieving, and analysing data. (Santos, 2013:67). Usually, databases store inordinate numbers of cases and records detailing *modus operandi* factors of crime perpetrators, amongst others. Given the complexity of crimes in contemporary times, modern databases are useful for crime investigators to even detect relational patterns of a criminal's *modus operandi*. Table 2.1 below is a depiction of information usually stored in a database (Santos, 2013:67).

Table 2.1: Typical database information of a crime perpetrator

DATABASE
Day of the week;
Time of the offence/s;
Place (geographic data);
Nature of the offence;
<i>Modus operandi</i> ;
Age of the victim/s; and
Physical description of the suspect (height, body impression, type of clothes, language spoken, bears, long or short face, chin, eye colour, hand used, scars, tattoos, marks ears, nose shape estimated age of the suspect ,facial hair, hair length, teeth condition, etc).
Surface:

(Source: Santos, 2013:67)

2.2.1 Geographic Information Systems

Table 2.1 above shows various factors that would constitute information stored in a database as a form of record's management system. Geographic data is one of such

factors. Since databases essentially serve as a coordination mechanism for crimes committed at different locations, geographic information systems (GIS) are utilised by investigators to computerise and analyse any helpful and relevant information (secondary data) relating to crimes committed at different geographic locations (Santos, 2013:67). Secondary data relates to relevant information collected from non- literature sources and is normally stored electronically in databases (Santos, 2017:212). It is therefore, not a coincidence that one of the interview questions posed to the participants focused on testing their knowledge on the type of information they stored in their data base. Such information is useful for the statistical analysis of rape crime committed, and the identification of suspects and alleged perpetrators according to their established and analysed *modus operandi*. In Chapter 4 of the study, the participants' responses indicate that their knowledge and awareness of the role and importance of establishing data bases agrees with the views posited by Santos (2017:212) above.

2.2.2 Records Management Systems

It is imperative that police and crime investigators should be efficient in collecting, processing, analysing and storing crime scene and other relevant information in order to establish the admissibility of such information as irrefutable evidence in court. In this regard, Record Management Systems (RMS) enable law enforcement and mitigates against cases being withdrawn in court. Amongst others, a record management system is a computerised record keeping system that details the activity and movement of files and records within a police station, police stations and departments within the SAPS. According to Santos (2017:114) a properly organised records management system should be able to provide sufficient information even at lower operational levels of crime investigation. Such a computerised systems should include information pertaining to reports and case dockets about the perpetrator, the victim, the *modus operandi* of the perpetrator; as well as any other relevant information obtainable from other electronic and non-electronic sources.

It is the searcher's view is that the police at Sunnyside, Brooklyn and Mamelodi East police stations are not using the RMS, and there is no record of repeated offenders. They only rely on crime pattern and crime threat analysis when conducting operations, rather than using the *modus operandi* information.

From the above-mentioned, the researcher notes that resources such as the RMS are available in the SAPS, but investigators do not fully utilise them, which leads to cases

being closed or withdrawn by courts of law. The researcher further notes that in all these three police stations, there is also an acute shortage of crime scene managers which leads to gross dereliction of duty in terms of which most investigators seem not to understand the seriousness of a crime scene as a critical and indispensable source of crime-related information.

2.3 Crime Scene Investigation

Ward and Heerema (2013:4) illuminate that a crime scene relates to any geographic scene/setting where a crime has been committed, with possible physical and non-physical clues, exhibits and leads most likely to be obtained at such a place. Furthermore, one crime scene cannot be similar to another. Therefore, such places need to be thoroughly observed with reference to the dynamics of the place of the crime, the people involved and affected (e.g. witnesses, victims and perpetrators), as well as physical objects (e.g. pieces of clothing, blood spots, cigarette butts, and so on).

Due to its importance, the crime scene also needs to be protected and secured such that no possible contamination of evidence occurs (Becker & Dutelle, 2013:28). It is the prerogative of investigators relying on their expertise and knowledge, to determine and subsequently secure the crime scene. In this regard, crime scene observation entails reconstruction of the criminal incident itself; ascertaining the events and incidents sequentially; uncovering the motive of the crime; determining whether any property was also stolen; any other physical and/or material object which could be in the possession of the alleged perpetrator/suspect; as well as recovering any physical evidence (Osterburg & Ward, 2012:85).

The measures cited above are necessitated by the tried-and-tested knowledge that criminals were most likely to leave (unwittingly) evidence or details of information that could be linked back to them (Swanson, Chamelin & Territo, 2017:35-36). It is for crime investigators to employ their technological, scientific and professional expertise to reconstruct the secured crime scene using all the material and witness accounts or sources. Gilbert (2010:80) mentions that such accounts are inherently both objective and subjective. Objective accounts are those sources of information or accounts that are factually confirmable, while the subjective accounts are those to which feelings and emotions were likely to be attached in the event of explaining or describing the occurrence of a crime. Both accounts are of extreme salience as they constitute the essence of the

irrefutable proof (admissible evidence) to be presented in court (Fisher & Fisher, 2012:49; Swanson et al., 2017:36).

The complexity and possible confusion generated by crime scenes necessitate that methodical and systematic procedures be employed for purposes of rendering justice to crime victims, their families and society (Becker & Dutelle, 2013:31). A systematically processed crime scene further ensures that no clues are overlooked. Most importantly, such 'fine-tooth combed' clues, leads and evidence are also useful for establishing and documenting information for subsequent investigations of future crimes with a similar *modus operandi*. Hence, the critical role and importance of geographic information and record management systems. In this regard, the researcher maintains that a culture of objective and effective crime scene observation and investigation should be entrenched in order to obviate unprofessional tendencies that only have the likelihood of casting doubt on the police to address and confront the scourge.

2.4 RESOURCES (COMPLAINANTS, VICTIMS, WITNESSES AND EYEWITNESSES)

The observation/investigation of crime scenes and subsequent data gathering (through mechanisms such as effective geographic information and record management systems) are dependent largely on the efficient deployment and utilisation of resources (Bennett & Hess, 2012:18). Accordingly, available resources in this case refer to complainants, victims of the perpetrated crime, and witnesses. Other than the victim, information based on what is seen, smelt, touched or heard plays an important role in the preparation of court evidence.

The victim is the most pivotal resource (Osterburg & Ward, 2012:121). In the event of a deceased victim of (rape) crime, an autopsy is conducted in addition to the crime scene data to prepare a well- documented case. In the case of a surviving victim, body marks and other DNA (Deoxyribonucleic Acid)material provide scientifically irrefutable evidence. In addition, the survivor of a crime is simultaneously a reliable eye-witness to the crime. Normally, an eye-witness has seen the crime being committed and/ or heard aspects of it. However, eye-witness accounts could also be subjective, necessitating corroborations and cross-examinations in some cases. Depending on the nature of the crime and the circumstances of the witness (e.g. minors) may be heard in-camera. In some instances, witness intimidation tactics have necessitated that they be protected by the State to ensure that the offender is eventually prosecuted by a court of law.

As a reliable resource for a crime case, the victim as eye-witness could be traumatised during a trial. In such instances, some victims withdraw from the case due to intimidation by others, and psychological scars left by the rape incident itself. Despite the hardships they encounter, Swanson et al. (2017:133) proposes that the following be considered in establishing the reliability of an eye-witness: whether there was opportunity to actually see the crime as it was being committed; the degree of detailed attention the witness paid to the crime; the consistency and accuracy of describing the perpetrator; the degree of truthfulness and unwavering and certainty demonstrated by despite confrontations; and the duration of time between the confrontation with the perpetrator and commission of the crime.

2.5 PHYSICAL EVIDENCE

The main purpose of investigating a crime scene is to gather information and relevant evidence in order to: connect the offender and the victim to the place of the crime; establish the occurrence of sexual interaction; determine whether or not fear and physical force were used; and establish beyond any doubt the actual role and activities of the perpetrator (Osterburg & Ward, 2012:475).

It is in this context that the need for thoroughly investigating physical evidence becomes accentuated. Examples of physical evidence include blood, semen, saliva, hair, fibres and markings on the body of the victim. When collecting or identifying physical evidence at the scene, particular care should be taken to note clearly where each piece of evidence is located. A crime investigation kit is then useful in this regard to facilitate a thorough accumulation of physical evidence, which is the objective and real proof that can withstand any litigation or doubt (Hazelwood & Burgess, 2009:140). The latter author illuminates further that physical evidence provides material proof to narrow or individualise the *modus operandi* of a specific suspect to link them to a specific crime or series of crimes.

As one of the most effect forensic methods, DNA profiling has been heralded as the most revolutionary technology in the field of criminal investigations (Hazelwood & Burgess, 2009:142; Lee, De Frost & Gaensslen, 2010:39). Blood, semen, hair, and skin contain DNA. Therefore, the potential for verification of physical evidence through DNA testing is scientifically and objectively ensured. In a rape case, credible physical evidence consists

of stain or torn clothing; scratches, bruises and cuts as evidence of a struggle, semen and blood stains. In the event that the suspect is apprehended he/she should be photographed for any traces of any physical and DNA-linked evidence that could be linked to the suspect, victim or crime scene. Where possible blood and other samples should be subjected to thorough laboratory testing for traces of any drug usage or intoxicants (Bennett & Hess, 2012:277). In a rape case, the victim should also be medically examined to ensure that no Sexually Transmitted Infections (STI) is left undetected in the body of the victim.

It is clear that physical evidence is an indispensable aspect of investigating crimes. As such, the role of physical, biological and other forms of evidence cannot be underestimated. It is essential that any form of evidence should not be contaminated at any stage prior and subsequent to the crime scene investigation until presented as admissible evidence in court.

2.6 MODUS OPERANDI

The concept of *modus operandi* basically describes the particular methods of operation adopted by the perpetrator of a crime, such that the particular methods of operation used are identifiable as a unique or individual 'trade mark' attributable to that very perpetrator or others using a similar method (Douglas, Burgess & Ressler, 2013:72). Analysis of physical evidence to establish a *modus operandi* is one important method of linking cases in the investigation of a serial rapist (Harris & Lee, 2015:13). The *modus operandi* of a criminal can link seemingly unrelated crimes at the early investigative stages.

Patterns of *modus operandi* include the type of committed crimes, victim targeted, weapons, force, and language used. In addition, these patterns are identifiable by the sequence of action followed by a criminal, type of properties taken, type of disguises, type of vehicle used, or route taken and type of materials left behind at the scene (Harris & Lee, 2015:13). Douglas et al. (2009:154) intimates further that the accurate establishment of a criminal's *modus operandi* enhances the relevance of: linking unresolved rape and other sexual assaults; identifying suspects by comparable and known *modus operandi* techniques amongst these suspect; developing investigation clues and leads by linking the rapist to other possible methods obtained from databases and linked record management systems; and specific knowledge pertaining to the level of planning prior to the crime.

Savino and Turvey (2011:261) mention that specific traits in a criminal's *modus operandi* could yield information relating to: the number of rapists involved in the crime; the amount of time of planning prior to the crime; selection of, and route taken to rape location; pre-surveillance of a crime scene(s) or victim; involvement of a victim during a crime (non-fantasy-related); use of a weapon; and restraints to control and subdue the victim. Other factors include; the nature and extent of injuries to the victim and precautionary measures; location and position of the victim's clothing from the crime scene; items stolen to divert identification; as well as mode of transport (if any) to the crime scene and escape away from it.

All of the above-stated factors reflect the behaviour and attitude of a rape crime perpetrator, and could be used to isolate a particular *modus operandi* from another (Westphal, 2009:213). According to Kocsis (2009:120), a *modus operandi* of a rape criminal is more intensified than a ritualised fantasy, which expresses an occasional venturing into the crime for a limited period or moment. For instance, such momentary fantasy could be prompted or spurred on by intoxication, depression, anger/revenge or hallucinations of 'fame' to emulate a known or wanted rapist.

2.6.1 The Elements of Modus Operandi

Modus operandi elements include all of the information that would conventionally be documented or recorded electronically and non-electronically (Prinsloo, 2012:70; Turvey, 2013:232). According to Hazelwood and Burgess (2009:92), and Johnson (2009:357), a single *modus operandi* usually endures for about three or four months before the perpetrator begins to alter, amend or refine it to avoid detection and identification. As they plan the execution of their *modus operandi*, criminals are imbued with a sense of hiding their identity, ensuring that the rape is completed, as well as making sure that their escape is not obstructed (Geberth, 2010:643; O'Connell & Soderman (2015:254).

Investigators could erroneously place emphasis on the *modus operandi* in their linkage of cases, which could be outclassed by the experience and sophistication of the rape perpetrator's cunning to lower the risk of apprehension (Berning, 2009:25). Based on their differing homological elements, one *modus operandi* becomes distinguishable from another (Woodhams & Bennell, 2015:35). Therefore, the correlational factors between, and among the elements of different *modus operandi* vary significantly as a result of the following factors:

- The behaviour of humans develops and respond in a unique manner to situational, biological, and environmental factors;
- Offenders act according to motivations only known to them;
- Each time, each offender displays similar behavioural patterns for very unrelated reasons;
- Human nature and behaviour views two cases as being very dissimilar;
- Different offences may be prompted by different motives; and
- The *modus operandi* and its unique behaviours can evolve, remain unchanged, or devolve across multiple crimes (Woodhams & Bennell, 2015:36).

As much as the linkage of *modus operandi* is important (Harries & Lee, 2015:14), such linkage could be rendered ineffective by the variability of *modus operandi* aspects. For purposes of this study, the main aim of understanding and identifying *modus operandi* techniques of committing crimes is to also ensure that visible police patrols are skilled to act proactively on suspicious behaviours in public and thwart crimes before they occur.

2.6.2 The Influence of Modus Operandi

Rarely does the same *modus operandi* occur in two separate crimes, because of the perpetrators' variable psychological, environmental and other influences and motivations (Berning, 2009:25). In some instances, the variability factors could even somewhat be influenced by factors too insignificant to be noticed by novice investigators (Petherick, 2009:299). Although the original *modus operandi* may not be altered significantly, some of its parts could change, which is to the advantage competent investigators as the suspect or perpetrator becomes more careless.

In some cases, perpetrators repeat the same *modus operandi*, then alter it radically to obfuscate any easy detection, then immediately return to older ones (Berning, 2009:26). An example at Sunnyside reflects this tendencies. One sex crime perpetrator was used to threatening his victims at knife point, until confronted by a potential victim who resisted physically. The perpetrator then later resorted to the usage of a gun and police handcuffs to subdue his victims. The family violence and sexual offence unit at Sunnyside police station subsequently established that it was the same perpetrator varying his *modus operandi*.

A rapist's behaviour and choice of *modus operandi* are a product of learned constructs (Wilson, 2012:197). The choice could be drug influenced, or even due to an inflated

confidence that arrest has been evaded continuously. Circumstances could eventually cause a rapist to incorporate unfamiliar tactics and unintentionally reveal something about their identity, character or experience (Savino & Turvey, 2011:267). Different authors ascribe various reasons to a criminal rapist's learned behaviour as influencing their *modus operandi*. Notwithstanding these differences, the ontological essence of their learned behaviour explanations is the same.

2.6.3 The Importance of Modus Operandi

It is possible that *modus operandi* patterns can tie apparently unrelated crimes together at the early investigative stages (Harris & Lee, 2015:210). These patterns include the type of criminal offence committed, victim targeted, method used to gain entry to the premises, type of weapons and level of force used, type of language used, the sequence of actions followed by a criminal, type of disguises, type of vehicles used or route taken, and type of materials left behind at the crime scene (Harris & Lee, 2015:210).

Modus operandi data is important for suspect identification and in tracing alleged perpetrators and suspects to link and compare their methods of operation in relation to other unsolved cases of crime (Berning, 2009:27). Savino and Turvey (2011:260) attest further that established *modus operandi* are helpful for the strengthening of visible policing to combat potential offenders, while also looking for those who are wanted with the assistance of roadblocks and civilian stop-and-checks.

Zinn (2015:84) asserts that establishment of a rape perpetrator's *modus operandi* is most valuable in the formulation of concomitant policing strategies to combat the scourge of crime and criminality. Berning (2009:28) postulates that *modus operandi* is useful for the following purposes:

- As a tactical instrument to trace and identify perpetrators in the most scientifically irrefutable way;
- For reactive and crime prevention operations by the police;
- As a suspect interrogation source;
- For planning and coordinating better utilisation of available resources (e.g. distribution of patrol cars and personnel at specific times in specific areas); and
- As a data base (of contact or suspects) during the questioning of suspect.

Physical evidence is useful for establishing a criminal's learned or patterned behaviour in committing a crime (Harris & Lee, 2019:41). In the event that there are several incidents

that appear to have been committed by the same individual, searching for a common thread may allow for a significantly narrowing of the list of suspects; such as the prevalence of several incidents which appear to be connected by their *modus operandi*, physical evidence or DNA. Based on his experiences in the field of crime investigation the researcher agrees with the propositions by Harris and Lee (2015:210), Berning (2009:27), Savino and Turvey (2011:260) and Gilbert (2010:85) on the importance of studying the *modus operandi*, although these authors differ on their terminological representations.

2.7 TECHNIQUES AND METHODS OF CRIMINAL INVESTIGATIONS

This section also entails the objectives of criminal and forensic investigations, as well as the differences in criminal and forensic investigations. A criminal investigation is a legally, objectively and logically conducted information-seeking process by law enforcement officers, and is intended to find, prosecute and convict transgressors of the law (Berning, 2009:34; Gilbert, 2010:37). Such an investigation is conducted according to prescribed procedures, strategies and principles (Crowther, 2019:734; Pearsall & Hanks, 2010:1903).

It is the duty of criminal investigators to ensure that admissible proof and evidence is prepared, processed and stored (Lee et al., 2010:40; Osterburg & Ward, 2010:5). Accordingly, evidence encompasses both physical and technologically derivable non-physical evidence. Gilbert (2010:37) profoundly intimates that criminal investigations basically focus on the involved and affected *people* (e.g. the victim, witness(es) and perpetrator), the *place* (the crime scene), and *things* (e.g. any stolen property or belongings of the victim).

In an age of the proliferation of the Human Immune Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), and other complex sexually transmitted infections, DNA techniques have become very useful interventions to detect any possible transmission of such diseases to victims of rape in particular. In fact, Zinn (2015:6) elaborates that investigation of crimes should not in any way be seen as violating acceptable human rights standards. Given both the escalation and brutality of rape crimes, as well as the need to serve justice to the victims and society in general, there have been incessant calls for intensification of crime intelligence. There is even impassionate demand for the return to the death penalty. Such a situation posits the need for efficient and effective

crime investigation measures on one hand, as well as the threat posed by acts of criminality to the authority of a duly elected and representative State and its criminal justice system (South Africa, 2019).

2.7.1 Objectives of Criminal Investigations

Horswell (2016:3) ascertains that an investigation relates to a systematic, methodical and objective examination process embarked on for purposes of searching for relevant factual information relating to the commission of a legally prohibited deed. Accordingly, the purpose and objective of such an examination or process is to ensure that a transgressor of the law is held accountable for his/her illegal actions in a duly constituted court of law. In the context of this research, the objective of a criminal investigation would be measured by the *bona fide* success with which offenders are prosecuted and kept in the custody of the country's prison services. Therefore, a criminal investigation should truthfully address the following questions, amongst others:

- Is the committed criminal deed statutorily prescribed?
- Who are the people involved in planning, executing and the aftermaths or benefits of the crime?
- Was there a witness?
- Has any legally irrefutable evidence been established or obtained?
- How was the legally prohibited act perpetrated?
- Are there contestable grounds for presiding court officers to determine guilt or innocence? (Gilbert, 2010:8).

From the afore-mentioned, it is evident that Bennett and Hess (2012:5), Gilbert (2010:38), and Weston (2015:2) describe and agree on the most pertinent aspects and objectives of criminal investigations.

2.7.1.1 Forensic Investigation

For purposes of this study, forensic investigation is premised on the utilisation of scientific and technological methods to establish the nature and circumstances of a crime in order to identify, arrest, prosecute and imprison the perpetrator of a crime (Carrier & Spafford, 2013:3). The evolution of forensic investigation is traceable from its sole dominance by pathologists prior to the involvement of its current practice by multidisciplinary professionals (Karagiozis & Sgaglio, 2014:vii).

According to Pepper (2010:109), forensic crime investigations begin the very moment the crime investigator enters the crime scene to survey and inspect it for initial clues and leads. Tulloch (2009:585) contends that the goal of any forensic investigation, similar to traditional investigations, is to search, process and present cogent proof before a court of law that a crime did take place. Based on its broad definitions, the researcher contends that traditional crime investigations could be classified as part of “forensics”, considering that investigators arriving on the scene of a crime lay the initial investigative groundwork with spartan techniques such as the utilisation of cameras to photograph the scene even before subsequent and advanced methods such as DNA testing could be conducted.

2.7.2 Difference Between Forensic and Criminal Investigation

Van Zyl (2013:14) argues that there is very little difference between forensic and traditional criminal investigations, since there are similarity and dissimilarity aspects. In contradistinction, Nickell and Fischer (2013:1) illuminate that criminal investigations are principally aimed at establishing the truthfulness of a committed crime through the entire value chain of the justice system from investigating to sentencing of the initially suspected offender. Furthermore, the latter authors further propound that forensic investigations focused mainly on the evidentiary worth of proof according to a systematic process. That is to suggest that while traditional investigations emphasise the eventual outcome, the forensic perspective emphasises on the embeddedness of the methods and processes to a particular field of knowledge and its esoterica (unique methodologies and principles) (Hess & Orthmann, 2009: 75). The latter authors argue further that forensic crime investigations are reflective of the intersection between natural science as the problem solver of a social science problem. The authors further justify the resort to forensic investigations since crime is viewed as a scientific problem requiring scientific solutions. Similar to traditional crime investigations, forensic science also utilises evidence from people, things/objects and the place of the crime committed.

2.8 CONCLUSION

From the researcher’s point of view, three critical factors are of importance in rape cases. Firstly, evidence is the deciding factor in the entire criminal justice system. Secondly, the manner in which the evidence was obtained becomes an indispensable determinant of the eventual outcome of the investigation through the court of law. In this regard, the *modus operand* of a crime perpetrator is viewed as a common denominator in both the evidence sought by investigators and the method by which such evidence was obtained. Thirdly, the crime is arguably the most important variable superseding both the evidence

and the manner of its collection. It is the researcher's contention that, without a crime scene, there is no evidence, and without any evidence, there is no crime. In some instances, the evidence of crime could be absent and take long to establish.

CHAPTER THREE

MODUS OPERANDI AS AN IDENTIFICATION TECHNIQUE IN RAPE CASES

3.1 INTRODUCTION

Whereas the previous chapter focused on the relevance and centrality of the *modus operandi* technique in rape cases, the current chapter particularly focuses on the identification factor as a critical component in the investigation of rape cases. In this regard, the aspects of individualisation and suspect identification formed an integral part of *modus operandi* applied by rape criminals in different contexts. It is worth noting that the chapter's orientation towards "defining" some concepts is mainly intended to establish a link with the empirical domain of the study, such that the literature review, conceptual definitions, and the empirical context of the participants form a seamless research process for logical reading and understanding of the interrelatedness of all four chapters in this research (Creswell, 2014:228; Kumar, 2011:46).

3.2 DEFINITION OF A SUSPECT

Crime is a consequence of the confluence of the desire to commit a crime and the belief that the opportunity to commit a crime does exist. Such desire is reflective of the influence of psychosocial and environmental factors on individuals. The desire itself is emblematic of a condition of preparedness which is precipitated by prevailing opportunities at the time of committing a crime (Regehr, Roberts & Burgess, 2009:103). It is in the context of the explicit desire to commit a crime, that interest in a suspect constitutes a primary element in the investigation of crime in general. To this effect, Joubert (2010:234) and Snyman (2014:220) assert that apprehension and detention of a suspect is advantageous in that he/she may divulge other accomplices who also participated in the crime. Hazelwood and Burgess (2009:235) assert that the immediate arrest of a suspect is also advantageous in that it diminishes the possibility of evidence disappearing, because the suspect is 'a walking crime scene'.

According to Bennett and Hess (2012:139), a suspect is anyone regarded as being overtly or covertly connected to either the planning and/or execution of a crime. As a probable source of crime-related information, a suspect could be identified by a member of the public, arrested by investigators, or make a confession of his/her own volition. Additionally, a suspect could be linked to a particular crime by means of investigators' analysis and linkage of a known *modus operandi* whose executor is also wanted for

questioning about other crimes committed elsewhere. For police officers patrolling the streets, it is advantageous to identify and arrest a known/ wanted or probable suspect soon after the crime because he/she has very little time to manoeuvre out of the situation. Zulawski and Wicklander (2016:114) suggest that several advantages exist in this situation of an immediate arrest, such as:

- The suspect has no time to prepare his/her lies;
- The suspect must conceal his/her emotions of having been discovered;
- The suspect is uncertain of what is known or not known about the incident;
- The impact of the suspect's detention causes judgement because he believes his guilt is certain; and
- The field interviewer playing on these advantages can increase the likelihood of the suspect making an admission of involvement in the incident.

In this study, the identification and/or description of a suspect is necessitated by the undeniable connection between the crime scene, the victim, witnesses and the methods of investigation as discussed in the previous chapter (see Section 2.3).

3.2.1 Suspect Identification

Suspect identification is necessitated by the fact that each crime perpetrator has a unique *modus operandi* (Burgess, Burgess, Douglas & Ressler, 2009:103). For this specific reason, it is imperative to synthesise and isolate the particularities of one *modus operandi* from another (Osterburg & Ward, 2010:120; Regehr et al., 2009:104). The identification of a crime suspect could be established on the basis of several factors, including physical and non-physical crime scene evidence, self-confessed accomplices, or the testimony of the surviving witnesses, and other eyewitnesses. Nyuswa (2009:48) adds that suspect identification could be enhanced by means inferential conclusions drawn by comparing and contrasting various sources of information.

Whether or not a suspect is known, a reconstruction of the crime scene is a useful means towards the search, identification and arrest of a suspect (McCartney, 2013:31). An identikit (drawing of the suspect) based on physical crime scene evidence, documented records, or witness and victim accounts, assists in broadening the search of the suspect as a fugitive from justice (Weston, Lushbaught, & Wells, 2015:80). In such cases, the public plays a significant part in assisting the police trace the movements and whereabouts of the wanted suspect. The foremost concern in a criminal investigation is

the tracing, identification, arrest, prosecution, and successful conviction of the perpetrator of a crime (James & Nordby, 2014:275).

Certain crimes such as rape seem to have a universal motive because it often relates victim to criminal (Osterburg & Ward, 2010:120). The *modus operandi* of a particular suspect/criminal is essential in this regard, because it complements what is accomplishable by a single method alone. In the event that a suspect is not immediately found, crime intelligence has also been found to be a useful mechanism to identify the suspect. In this regard, even information from former cell mates and accomplices is essential, in addition to the physical and psychological profiling of the suspect to establish a crime hypothesis (Bennett & Hess, 2012:13).

The detection of crime premises on the individualisation of the nature and circumstances of the crime (Barnard, Cronje, De Klerk, Van Zyl & Zinn, 2009:150). The advent of information and communication technologies has enhanced the valuable identification of a crime perpetrator or causes of a crime related death, even posthumously (Birzer & Roberson, 2012:102). Such a state of affairs inevitably places high premium on the unquestionable need for investigators to be fully conversant with suspect identification techniques (e.g. DNA profiles, physical evidence, psychological profiling, criminal records and database information) (Hazelwood & Burgess, 2009:236; SAPS, 2017:18).

The identification of a suspect could be the product of how the crime was committed. Methods employed by the perpetrator to commit the crime may be so unusual as to require special attention. Determining the *modus operandi* in these types of cases will provide little information apart from generalising that will not lead to a suspect's identity. A crime's uniqueness qualifies a *modus operandi* as either workable or not (Birzer & Roberson, 2012:102). Experienced investigators have encountered criminals whose *modus operandi* are as identifiable as to serve as a the offender's 'signature' or 'trademark'. The gallery can be searched by criteria such as gender, race, age, name, height, weight, hair colour, visible markings, eye colour or *modus operandi* (Becker, 2009:175; Burger, 2015:12).

3.2.2 Categories of Identification

Categories of identification facilitate and enhance the complete reconstruction of the crime scene, as well as its contextual particularities (Barnard et al, 2009:151). The objective of such categorisation is to isolate peripheral details and consolidate an analysis of the nature of the crime and its perpetrator, as well as the circumstances of the crime

(Nyuswa, 2009:34). The categorisation of suspect identification factors premises largely on the analysis of the crime (Becker, 2009: 176).

3.2.2.1 A Situational Analysis of the Crime

Both the crime scene and physical and other forms of evidence provide all the material requisites of analysing the nature and circumstances of a crime (Barnard et al., 2009:151). In this regard, the following factors are prominent:

- Physical evidence: who conducted the screening of the scene for data gathering, and which methods were used?
- Witnesses: were there any witnesses, and is their version of the crime believable?
- The victim: was the victim in a state where emotions did not direct the version and sequence of events?
- The perpetrator/ suspect: what are his/her physical and psychological profiles in relation to the crime?
- Documents: has a crime hypothesis been created in conjunction with existing crime records and databases, as well as consultation with other investigators in other areas?

The reconstruction of the crime scene in terms of the above-cited factors allocates a degree of categorising the identification variables. Ultimately, such categorisation advances multiple perspectives and approaches of suspect identification (Barnard et al., 2009:151).

3.3 INDIVIDUALISATION

Individualisation relates to the process of systematically identifying the idiosyncratic characteristics of a particular crime perpetrator in relation to the crime committed (Nyuswa, 2009:48). Each committed crime bears its own unique features. Therefore, it is essential that commonalities and disparities of the *modus operandi* used, should be expertly isolated and compared (Burger, 2015:12; Fisher & Fisher, 2012:6).

Individualisation precedes identification (Birzer & Roberson, 2012:104). As such, crime investigators embark on a systematic process of isolating, classifying and categorising micro and macro characteristics and qualities of a situationally analysed crime until the positive and undoubtful identification, arrest and conviction of the wanted suspect or perpetrator.

Scientific individualisation demonstrates that physical evidence found outside the crime scene can still be traced back to the scene itself. It is for such reasons that individualisation is regarded as a second phase following the on-site criminal investigation and analysis of the crime scene (Birzer & Roberson, 2012:104). Clearly, individualisation of a crime requires a specialised system of knowledge on which a developing science is based on the collection, evaluation, categorisation and utilisation of factual information within the unique conditions where it finds application (Nyuswa, 2009:48). Information consequently serves as a strategic resource which must be processed and managed according to all available technology and scientific means to ensure realisation of criminal suspect individualisation.

The researcher's practical example would be the individualisation of blood samples. Individuals belong to various blood groups and types, of which a selection and isolation process would be a verifiable mechanism to eventually identify and locate a specific individual to a specific blood type - such as blood samples found at a crime scene would be processed to link and individualise the crime perpetrator to the scene of the crime.

3.4 THE DIFFERENCE BETWEEN IDENTIFICATION AND INDIVIDUALISATION

As indicated earlier, individualisation precedes identification. For that reason, the specific particularities of a crime perpetrator or suspect would first be classified and categorised prior to the identification of the specific suspect being sought. Table 3.1 below is the researcher's own representation of the main differences between the concept, identification and individualisation as derived from authors such as Bennett and Hess (2012:87) and Nyuswa (2009:26).

Table 3.1: Difference between Identification and individualisation

Identification	Individualisation
Identification grounded on the premises of the uniqueness of everything .	Individualisation occurs only when preceded by comparable identification processes.
Identification directs the investigation of perpetrator or victim identification.	Individualisation of crime depends on positively identifying everyone involved in that crime .
A criminal investigation's outcomes depends largely on positive perpetrator identification.	Individualisation is preceded by a sequence of identification processes.
Identification links suspect(s)/ perpetrator(s) to the crime.	Individualisation processes determine individuality.
Identification is used to positively identify a perpetrator.	Individualisation is used when convicting the perpetrator.

Identification	Individualisation
Positive identification through fingerprints, DNA or identification parades is a pre-requisite for solving a crime.	Suspect is connect to a crime by DNA, witnesses and complainant/victim.

(Source: Adapted from Bennett & Hess, 2012 and Nyuswa, 2009:26)

Nyuswa (2009:50) posits that individualisation and identification complementary and mutually inter-dependent. Identification that has not been through individualisation processes results in a weak evidentiary value of proof that may eventually be inadmissible in court (Turvey, 2013: xxi).

From the above table it is clear that the process of suspect identification is not a single event, and is not peripheral to other Individualisation processes.

3.5 SUSPECT IDENTIFICATION TECHNIQUES

Physical evidence such as clothing and personal effects may be useful for identification purposes and the usefulness of such personal effects depends to a very large extent on their individuality (Barnard et al., 2009:162). Identification from clothing is sometimes unhelpful, as people tend to wear garments of very little individuality value. However, metallic items such as rings, watches, belt buckles and bracelets may carry engraved markings and be extremely helpful. Watches and keys yield information with regards to the characteristics of the locks for which they are designed. Clothing may provide clues regarding a particular political, social or cultural cause (Nyuswa, 2009:40). Any of these clothing items could remain (intentionally or not) at a crime scene and be subjected to physical and forensic scrutiny.

Physical evidence on the body of the victim (e.g. finger prints, bites, victim's hair) and other forensically obtained evidence are the sole prerogative of the investigators to process, preserve and analyse (Birzer & Roberson, 2012:42). For authors such as Berning (2009:62), James and Nordby (2014:277), and Tsun-Li (2010:379), fingerprints are viewed as the most dependable identification method. Pepper (2010:76) supports the view of fingerprints as identification techniques, adding that the possibility of finger print sharing is virtually non-existent.

While finger-printing of a crime scene is viewed as dependable, their absence then requires the utilisation of other technological and forensic mechanisms (Adams et al., 2012:171). For instance, photographs may be taken of the footprints found on the scene

of the crime, which could be later matched to link the suspect to the scene (Unisa, 2010:212).

From the researcher's perspective, particularly in the contemporary era of mass communication technologies, voice detection through Geographic Positioning Systems (GPS) has become one of the most effective suspect identification techniques. Hence, the sacrosanct essence of retrieving and securing the cell phone records of both the victim and perpetrator through cell phone service providers. Such records provide scientifically irrefutable evidence pertaining to their movements and communication prior to the occurrence of a rape crime.

3.5.1 Modus Operandi as an Identification Technique

Sufficient details have been provided in Chapter 2 in relation to the definition, purposes and characteristics of a rape offender's *modus operandi*, which is also the particular perpetrator's unique 'signature' or 'trademark' distinct from others (Weston & Lushbaugh, 2015:89; Weston & Wells, 2013:103). While the *modus operandi* underlines the particularities of an offender's actions, the signature/ trademark underpins the emotional underpinnings of the self-same offender (Becker, 2009:172; Geberth, 2010:822).

Understanding and recognition of both the *modus operandi* and its spectacular signature enables investigators to particularise events in the contexts of their identifiable patterns. In the event that a crime perpetrator displays callous behaviour in a crime scene and further engages in other activities that are beyond the accomplishment of the act, such perpetrator is exhibiting his signature (Geberth, 2010:822). Both *modus operandi* and signature characteristics should be recorded in the criminal data managements systems or files, and indicate the following:

- Identify the perpetrator and name suspects with a previous *modus operandi* matching the current crime;
- Linking unknown perpetrators with *modus operandi* associated with a past crime so as to construct a suspect's identity and possible leads to other crimes; and
- Storing data and *modus operandi* of previously unresolved crimes for comparison with that of an arrested suspect (Weston & Lushbaugh, 2015:91).

Modus operandi is useful in the tracing of suspects as well, particularly after the fact of the crime (Gilbert, 2010:217). Prison records and the photographs of suspects are helpful

to predict the next possible crime, and preventing it as far as possible (Weston & Lushbaugh, 2015:91).

During the interview phases in this study (as indicated in the next chapter), the research participant's responses did not provide clarity on whether or not the *modus operandi* form was attached to the case docket, which would indicate the high value linked to the *modus operandi* in the investigation of rape cases.

3.5.1.1 Examples of Modus Operandi Identification Techniques in Rape Cases

The following three below-cited examples relate to instances of successful *modus operandi* identification techniques in rape cases. These examples are intended to demonstrate the use of the *modus operandi* technique in the successful identification and prosecution of serial rapists in different crime scene contexts and settings. In the current climate of unacceptably high incidences of rape in South Africa, FCS members are continued to be recognised for obtaining commendable convictions in rape cases. The three examples below are only a few of cases that received media attention, and are those in which the serial rapists who used the same *modus operandi* for all of their victims received stringent imprisonment sentences for each count of rape.

3.5.1.1.1 Example 1: The Sunnyside Serial Rapist

In 2014, a Sunnyside (Pretoria) serial rapist posed as a prospective employee and invited job seekers to send their CV's to him. He then scrutinised the CVs and used the applicants' contact details to invited only middle-aged women 'applicants' for 'interviews', at an abandoned house in which there was an old bed and a blanket. He raped the victims at knifepoint on the same dilapidated bed using condoms which he would throw into a trash bin inside the same house.

The last of the 4 (four) women he raped observed that he threw the used condom in the bin after raping her. This important *modus operandi* fact was also mentioned in her police statement. During the police investigations, the trash bin in the rape house was found with many condoms used during the rape of different women who were lured to the house by the serial rapist under the pretext of prospective job offers. The investigating officers also found semen on top of bed and blanket used during the rape. Further searches of the rapist's actual place of residence yielded positive results with a pile of CV's whose owners (all middle-aged women) were subsequently contacted by the police through the contact details in their CVs.

The suspect was summarily arrested in his own house and did not hesitate to lead the police to the abandoned Sunnyside house at which the various episodes of rape occurred. In their police statements, all the victims confirmed their rape ordeals at the abandoned 'interview' house. The results of an intensive DNA test revealed that the semen found in the used condoms in the bin, the blanket and mattress, forensically linked and placed the suspect at the scene of the rape crimes against all the middle-aged women whose CVs were found at the rapist's residence. The accused rapist was finally sentenced to two life sentences, and widely reported in the mainstream media. The case itself and its eventual outcome is a practical demonstration of the use of the *modus operandi* technique as a useful instrument to trace, identify, prosecute and a convict perpetrator of the crime of rape; thus, safeguarding all citizens' safety and security (Canter & Youngs, 2009:11; Gilbert, 2010:217; Maharaj, 2013:19).

3.5.1.1.2 Example 2: The Brooklyn Serial Rapist

In 2019, a taxi driver and his three-man gang went on a spree of raping and robbing women commuters in the Brooklyn policing precinct. In one particular instance, the taxi driver raped a woman inside the taxi several times while it was in motion and the second woman was also raped inside the taxi by his friend on the same day. There were seven other incidents in which the taxi driver and his accomplices raped female commuters inside the same moving taxi.

Finally, a case of rape and robbery with aggravating circumstances was opened at the Brooklyn Police Station by the 5 (five) women victims. Following leads from the victims' police statements, the suspects (taxi driver and his three accomplices) were arrested finally. Their DNA samples were collected and the taxi (as the crime scene) was seized, with more semen samples found inside during further investigations. In this example, the investigators determined that the *modus operandi* involved the perpetrators' use of a cigarette lighter that resembled a firearm to threaten the victims before raping them. Since condoms were not used by the rapists, their methods of operation (*modus operandi*) preceded their identification by DNA means (Badore, 2018:27; Maharaj, 2013:19). Found guilty on the crime of rape, all the four accused received five life sentences each.

3.5.1.1.3 Example 3: The Mamelodi Serial Rapist (2)

In 2019, a 70-year old serial rapist was arrested and sentenced to multiple life sentences by the South Gauteng High Court in Pretoria. He targeted women in the Sunnyside

policing area and arranged to meet them at secluded places, where he then robbed and raped them without a condom. He lured his victims with non-existent job offers.

When raping his victims (without a condom), the rapist first forced them to lie on a cardboard box. Following the opening of rape cases by the victims and their subsequent police statements, the 70-year old rapist was finally apprehended. The DNA collected from the cardboard box, his clothes and from the victims and other circumstantial evidence, the man was then connected to the self-same crime scene at which the cardboard box enabled the investigators' determination of the *modus operandi* of the rapist. At the conclusion of his trial, the 70-year old rapist was sentenced to 4 (four) life sentences and an additional imprisonment term of 10 years for his rape of five women.

A clear pattern emerging from the three examples cited above is that the perpetrators' *modus operandi* involved the inducement of the targeted female with something irresistible in the form of job offers. Secondly, the crime scene was characterised by either concealment, obscurity or 'hiding in plain sight' such as a moving publicly used means of transport (taxi).

3.5.2 Admissibility Requirements of Modus Operandi

Admissibility of evidence in court impacts on whether an accused person will be found guilty of the rape crime or not (Barnard et al., 2009:38). Therefore, admissibility requirements refer to the criteria, standards, or norms in terms of which evidence presented to a court of law would be deemed acceptable. In cases of rape, it is of absolute importance that relevant evidence is collected and processed according to legally and scientifically acceptable standards and procedures. Rape crime investigators in particular, are obligated to understand and comply with rules of evidence. Therefore, it is to their benefit that they also possess a modicum of legal understanding and working knowledge of laws that apply to rape cases and the preparation of relevant evidence; especially that they appear as witnesses for the prosecution team.

Relevance of evidence is a critical threshold for admissibility in court. In their court testimonies, investigators should display above-average knowledge of court proceedings and anticipation of possible questions. Becker (2009:15) asserts that oral evidence is critical, since it presents the court (in addition to written or documented record of the crime) with the opportunity to interrogate all material witnesses - including the victim, the sex offender and the investigator him/her self. Any incongruence between the written

evidence (case docket) and its oral version could cast doubt on the veracity of the reported or alleged crime.

The admissibility factor is extremely crucial for this study, considering the background of the research problem (see Section 1.2, p. 50) in this study. The perpetual presentation of inadmissible evidence is a denial of justice to victims of rape crimes in particular. There are many reported instances of acquittals based on ill-prepared dockets and/or some flaws in the collection, processing and preparation of evidence. In cases involving rape, many unscrupulous legal representatives of rape suspects have delved on the in(admissibility) of evidence as a strategy to humiliate and demoralise rape victims and the criminal justice system. In such cases, the victim may litigate against the State for suffering caused by poorly prepared case dockets and shoddy evidence failing to withstand robust court scrutiny (Becker, 2009:16).

While the *modus operandi* of a rape crime is helpful for investigators' efforts to construct and reconstruct a crime scene, they cannot present the profile of a criminal as factual evidence relating to the crime itself. Therefore, the *modus operandi* only becomes a means towards the end of gathering cogent information that can be accepted as having met the required admissibility standards sufficiently for the court to convict the perpetrator without any hesitation. In this regard, evidence-based admissibility requirements supersede *modus operandi* imperatives.

3.6 CONCLUSION

The identification of crime suspects, offenders and perpetrators forms an important part of the reasons advanced for pursuing a rape crime perpetrator's *modus operandi*. Accordingly, the importance of a *modus operandi* in rape cases could not be diminished. As an identification technique, a *modus operandi* basically establishes the means by which a suspect could be linked to the scene of a crime of rape.

This chapter has established that the identification of a suspect, offender or perpetrator is a factor of individualising the nature and circumstances of the committed rape crime and present admissible evidence for a court of law to convict such an offender and serve justice to victims of rape and other related sexually motivated crimes, as well as to society as a whole. It is for these reasons that crime investigators ought to be adequately

equipped, knowledgeable and skilled in order to obviate the acquittal of rape offenders on grounds of inadmissible evidence.

The next chapter presents the collected data and its findings as an empirically informed demonstration of the participants' knowledge, perceptions and experiences in relation to the salience of the *modus operandi* concept as a means (evidence gathering) to an end (administration of justice through conviction of sex crime perpetrators).

CHAPTER FOUR DATA PRESENTATION, FINDINGS AND RECOMMENDATIONS

4.1 INTRODUCTION

The previous three chapters focused largely on theoretical/ secondary perspectives concerning the concept, *modus operandi* as a central aspect of the phenomenon of rape and related sexual violence crimes. The current chapter transcends the theoretical and the philosophical, but incorporates the ethnographic and the empirical. In this regard, the processes outlined in Section 1.12 of this study (Data Management and Analysis) are presented in the current chapter such that a measure of the study's practical significance is realised (Aneshensel, 2015:2; Fetterman, 2010:12).

The data presented and discussed in Section 4.2 and Section 4.3 in particular, reflects the field-based outcomes of the researcher's one-on-one engagements (interviews) with the participants in their own naturalistic environments (i.e. workplaces/ police stations) to which they are familiar (De Vos et al., 2011:46; Gravetter & Forzano, 2012). Accordingly, the data is visually presented in the form of pie charts (figures) and tables that quantify the elicited responses of the participants, after which the quantified information is described, explained and translated into intelligible and practical statements consonant with the objectives of the study and their concomitant research questions (Robinson, 2014:27). The visually presented data is basically premised on both the participants' bibliographic/demographic information and their perspectives on various issues relating to the *modus operandi* technique.

Furthermore, the current chapter also presents an overview of the extent of the achievement of the objectives and subsequent thematically-derived main conclusions of the study. In this regard, both the study objectives' achievement or accomplishment and conclusions essentially serve the purpose of showing that the study is neither the product of exegetic red-herring, nor the elevation of *non sequitur* findings (Babbie, 2010:120). That is to say, the extent of the study objectives' realisation provided a cogent basis on which the thematically arranged main conclusions logically and interstitially relate to the actual purposes for which the study was undertaken. Therefore, the findings could be regarded as credible, reliable, valid and confirmable (Bless et al., 2013:238; Kumar 2011: 185).

The chapter then concludes with the researcher's propositions (recommendations), which addresses both the third research objective (Section 1.6) and its related third research question (Section 1.7). To a larger extent, the recommendations themselves are reflective of the ameliorative measures in respect of the initially stated research problem in Section 1.2 of this study (Marshall & Rossman, 2011:44). Finally, the researcher's own remarks end the chapter with assertions on some of the critical aspects of observations emanating from both the literature- and participant-based perspectives.

4.2 PARTICIPANTS' BIOGRAPHIC/ DEMOGRAPHIC INFORMATION

A total of 18 (eighteen) participants took part in the study. Their bibliographic/ demographic information represented in this chapter relates to their gender, age, marital status, ethnicity, educational background, work experience, rank, current position, and number of years in their current positions. It is worth noting that, in compliance with ethical research protocol, the nature of the participants' bibliographic data (categorised into 9 (nine) variables) did not constitute any violation of their personal rights. Thus, the researcher ensured the differentiation of the "personal" and the "private" (Babbie, 2010:24; Epstein & Carlin, 2012:899). All the participants included in the study had previous experience in investigating rape cases, but were reshuffled during a restructuring for their placement in general detectives instead of the FCS unit.

4.2.1 Gender

Figure 4.1 below is a depiction of the participants' age distribution.

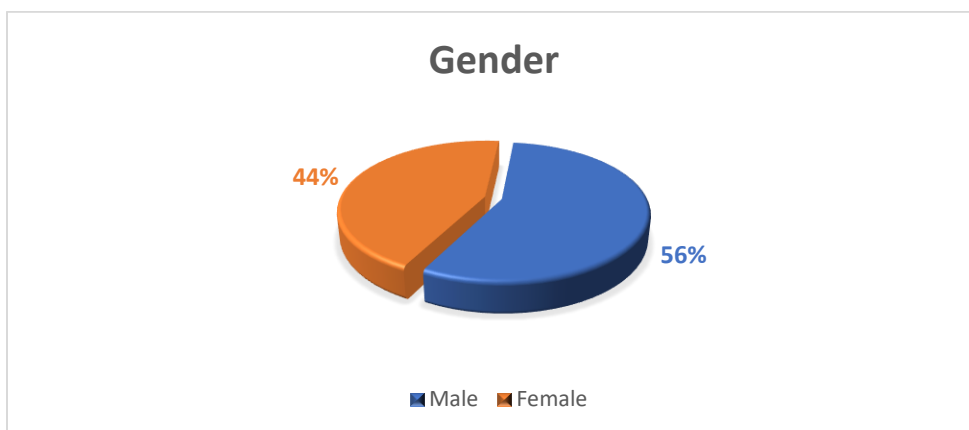


Figure 4.1: Gender distribution of participants

Figure 4.1 above shows there were more males ($n=10$, 56%) than females ($n=8$, 44%). That it is so, does not necessarily reflect on the SAPS as a male dominated employer.

The 56% majority of males is only a reflection of the gender distribution of the sample for purposes of establishing a degree of representativity.

4.2.2 Age

Figure 4.2 below depicts the participants' age distribution.

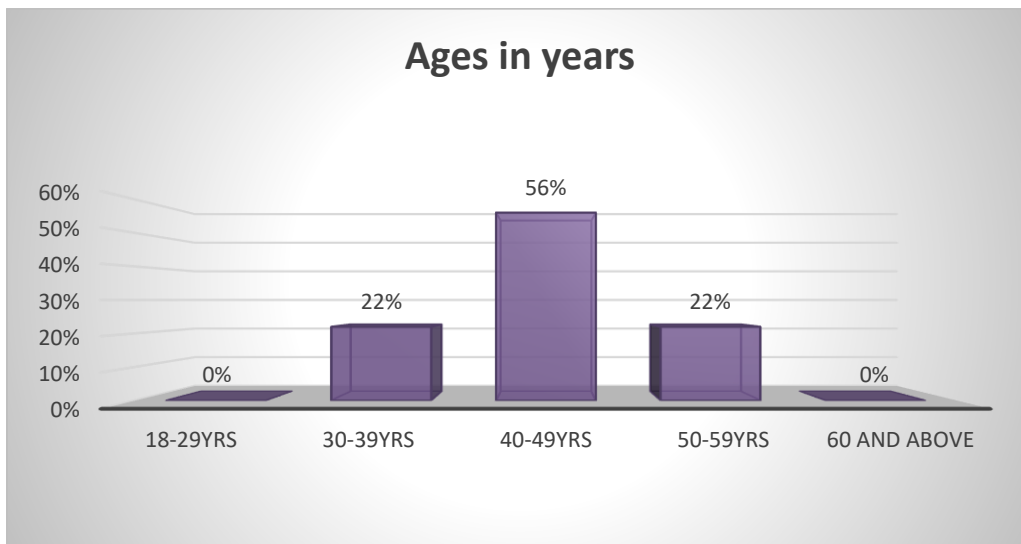


Figure 4.2: Age distribution of participants

The above Figure 4.2 indicates that there was a majority of participants (n=10, 56%) aged 40-49 years, followed by those aged 30-39 years (n=4, 22%); and those aged 50-59 years (n=4, 22%). None of the participants were aged 18-29 years, and 60 years and above. That the majority of participants were aged 40-49 years is an indication of a police force populated mostly by middle aged officers, which augurs well for the sustainability of efforts to address crime in general.

4.2.3 Marital Status

Figure 4.3 illustrates the marital status of the sampled participants.

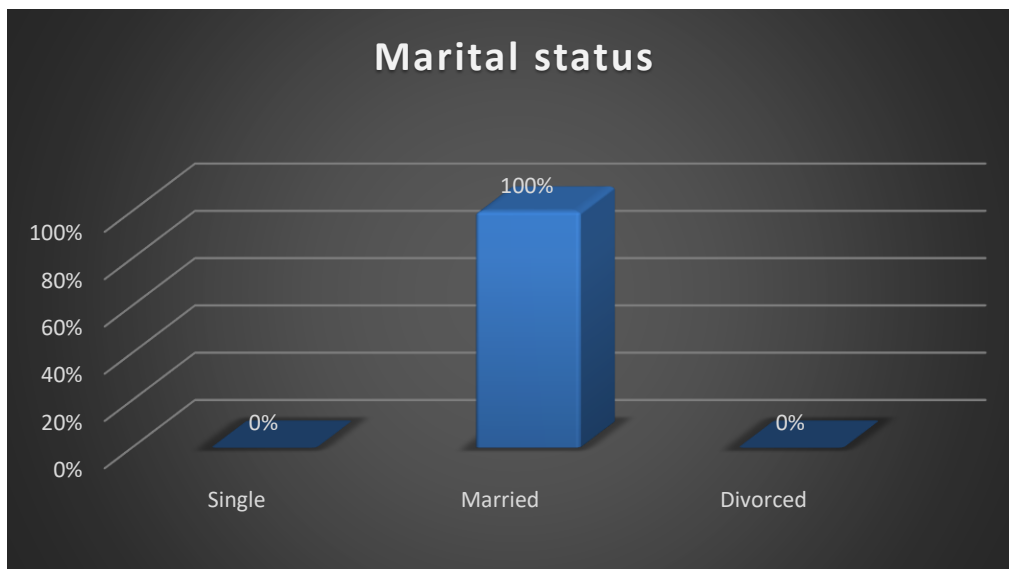


Figure 4.3: Marital status of the participants

Figure 4.3 above indicates that all participants (n=18, 100%) were married, which implies that (considering the age factor in Figure 4.2 above) they would be fully conversant with issues of rape and sexual offences both from a family perspective as well as the legal background necessitated by their occupation. As such, the researcher is convinced that such a group of participants were ethnographically reliable to make meaningful contribution to the study in relation to its investigated problem and related study objectives (De Vos et al., 2011:46).

4.2.4 Ethnicity

Figure 4.4 indicates the participants' ethnicity.

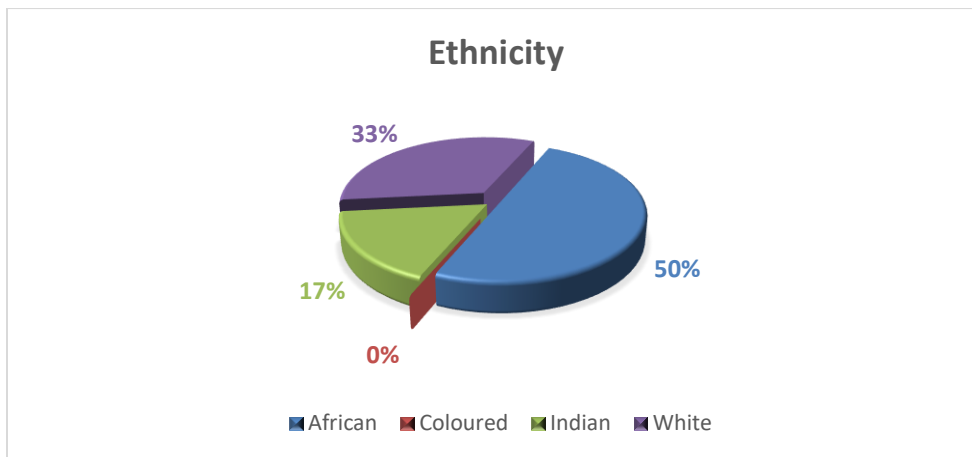


Figure 4.4: Participants' ethnicity

Figure 4.4 above shows that there were more African participants (n=9, 50%) in the study, followed by their White counterparts (n=6, 33%) and Indian participants (n=3, 17%). The ethnicity factor in this figure, coheres with the country's national demographics which are also observable within the SAPS. However, the study's primary focus did not allocate an ethnic/racial character of the victims of the crime of rape or any other sexual offence.

4.2.5 Educational Background

Figure 4.5 below reflects the participants' educational backgrounds.

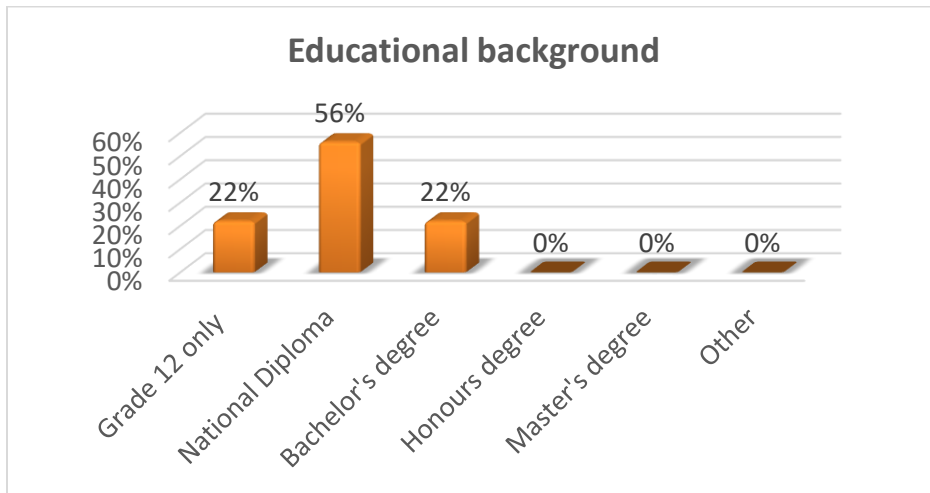


Figure 4.5: Educational background

In Figure 4.5 above, the majority of participants (n=10, 56%) have a National Diploma qualification, followed by four (n=4, 22%) who have Grade 12 qualifications, only and the same number (n=4, 22%) who have a Bachelor's degree. It is instructive that none of the participants had any post-graduate qualification. It is further instructive that the majority of participants with a National diploma reflect the general trend by which most members do not improve their training skills beyond College training. If the 22% trend of members with Grade 12 only reflects a National trend, it is then very worrisome that the desire for scarce and advanced policing skills and methods for rape cases in particular may be disproportional to the escalating acts of rape.

4.2.6 Work Experience

Figure 4.6 is reflective of the work experience of the participants.

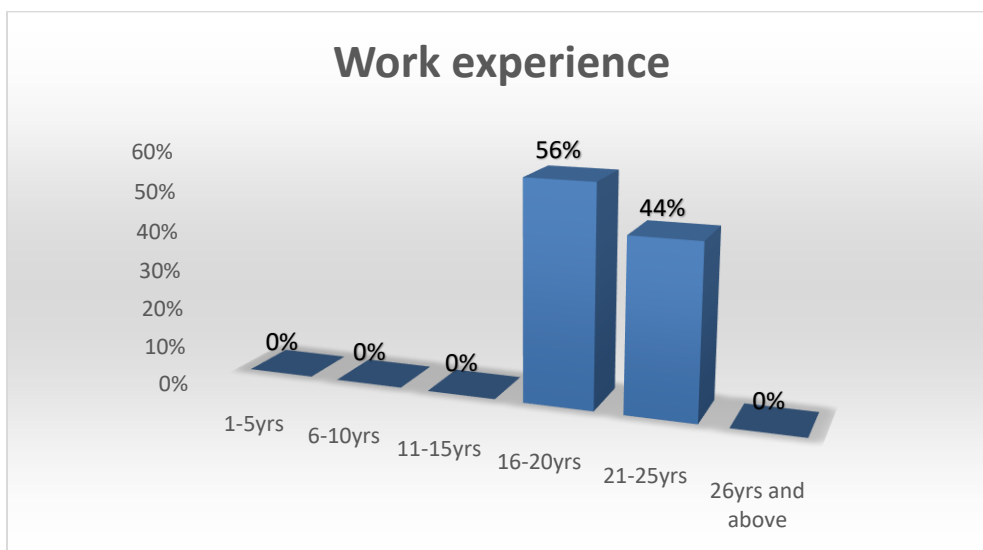


Figure 4.6: Work Experience

In Figure 4.6 above, the majority of participants (n=10, 56%) have work experience of 16-20 years, and a minority (n=8, 44%) have work experience of 21-25 years. Collectively, the fact that no member (participants) has worked for the SAPS for less than 16 years, implies that the SAPS ranks amongst the highly recommended employers of choice in government despite the hazardous environment in which police officers work (Barnard et al., 2009:106).

4.2.7 SAPS Rank

Figure 4.7 illustrates participants' ranks within the South African Police Service.

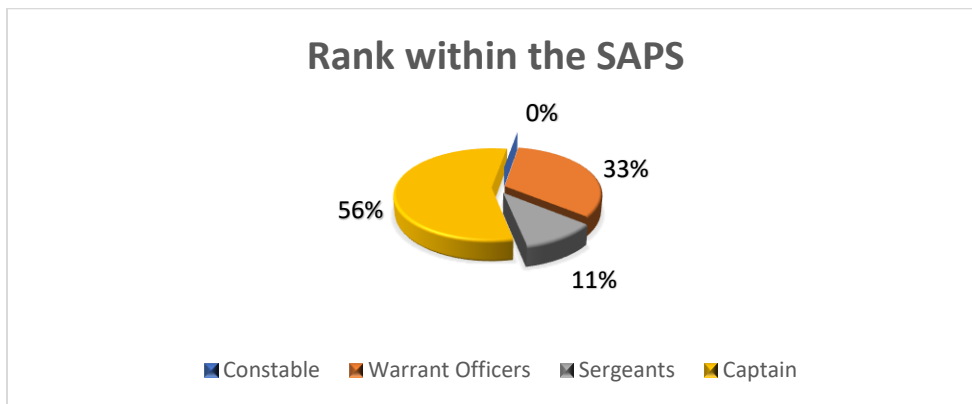


Figure 4.7: Rank within the South African Police Service

Extrapolated from Figure 4.7 above is that the majority of participants (n=10, 56%) are Captains followed by Warrant Officers (n=6, 33%) and Sergeants (n=2, 11%). It is ironic that the majority of the participants are Captains at their respective job postings (Police stations), yet the very same three police stations in this study were notorious for their poorly investigated rape cases that were often thrown out of court due to lack of evidence. This publicly known fact casts aspersions to the image of the SAPS as employer, the crime investigators as employees, and successful prosecution of criminals as a well-deserved service to the public (Europol, 2017:12; Roelofse & Gumbi, 2018:33).

4.2.8 Current Position/Designation

Figure 4.8 shows the positions (as opposed to ranks) of the participants at the time of the study's undertaking at the three sampled research sites.

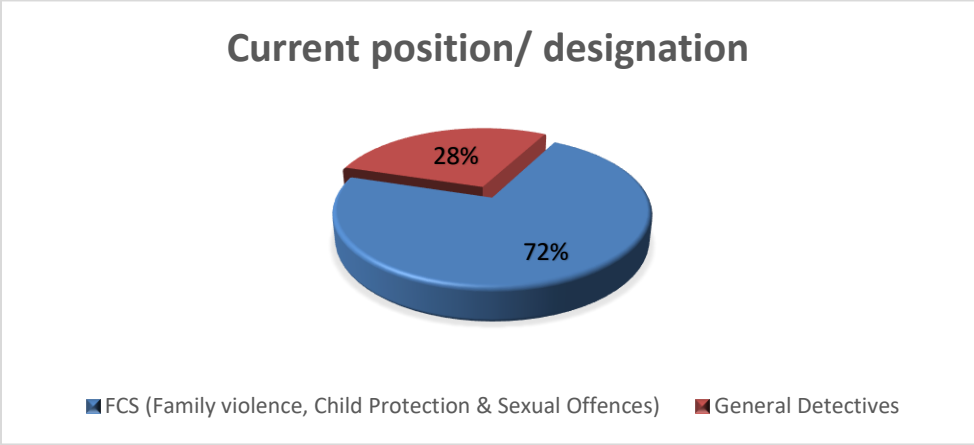


Figure 4.8: Current positions/designations of the participants

Figure 4.8 shows that the majority of participants (n=13, 72%) were General Detectives, and only a minority (n=5, 28%) were in a specialised unit focusing on family violence, child protection and sexual offences (i.e., the FCS). The impression accruing from the placement of the majority of police officers as General Detectives is that there is a general shortage of specialised detective skills for rape cases, for instance. Hence, the reputation of the three police stations’ inability to investigate, process and submit successfully prosecutable rape cases in their precincts.

4.2.9 Number of Years in Current Position

Figure 4.9 below is reflective of the participants number of years their current positions, as opposed to the overall years of work experience, which could be in various units or departments within the SAPS or elsewhere prior to employment at the SAPS.

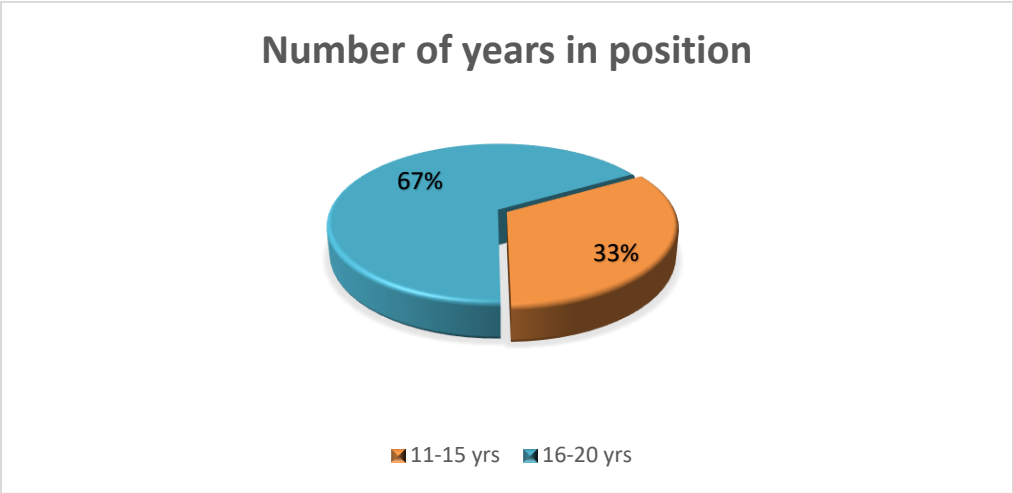


Figure 4.9: Number of years in current position

In Figure 4.9 above, the majority of participants (n=12, 67%) have been in the same position for between the years 16 and 20 years, while the minority (n=6, 33%) have been

in their position for a period of 11-15 years. The majority figures suggest a semblance of stability in terms of a retention of available skills within the SAPS (Du Plessis, 2015:84).

It is worth noting that the 18 participants' demographic information was intended to establish whether or not a correlation could be established between their environmental job-related factors and the public's expectation of the capacity of the SAPS to deliver its safety and security mandate to the public (Brodie, 2014:7; Mabasa, 2012:46). From the researcher's point of view the sampled group of participants was sufficiently representative of a sample from which such correlational factors could be derived.

4.3 FINDINGS: PARTICIPANTS' PERSPECTIVES ON VARIOUS ISSUES RELATING TO THE MODUS OPERANDI TECHNIQUE

Whereas the participants' demographic information specifically focuses on their environmental/ naturalistic factors, the findings in this section of the chapter are principally derived from the perspectives (knowledge, experiences and perceptions) of the self-same participants - which allocates justification for the ethnographic-qualitative groundedness or orientation of the study (Burrell, 2017: 17; Hesse-Biber & Leavy, 2011:29). It is on the basis of these findings that the subsequent achievement of objectives (Section 4.4), the research questions (Section 1.8), the main conclusions and themes, as well as the ultimate recommendations were established (Marshall & Rossman, 2011:44; Saferstein, 2015:29).

Arising from the participants' elicited responses to the interview questions, 7 (seven) categories of themes emerged which provided the foundational premises for establishing the study's findings. In this regard, the participants' regularly occurring statements in response to the interview questions (see Annexure E) yielded information regarding the following seven thematically convergent set of findings: database establishment; records management systems; crime scene observations; *modus operandi* aspects; criminal investigations; defining a crime suspect; suspect identification; and the role and importance of individualisation.

4.3.1 Database Establishment

Table 4.1 is an illustration of participants' responses relating to their knowledge/ understanding, experiences and perceptions relating to the establishment of databases as a mechanism to expedite the detection and investigation of crime suspects and

perpetrators. Participants were asked the question: ***What information do you register in the modus operandi database?***

Table 4.1: Database establishment

Database Establishment		
Response	Frequency	Value
Time, place and nature of the offence.	8	44%
<i>Modus operandi</i> ; age of the victim; surface on which the crime was committed	6	34%
Physical evidence; suspect height body impression; type of clothes; language spoken; bears long or short face; chin, eye colour, marks on ears, stars, tattoos; shape, facial hair, length and teeth condition	2	11%
Total	18	100%

Table 4.1 above shows that the majority of participants (n=8, 44%) viewed the efficacy of establishing a criminals' database in terms of time, place and nature of the offence. However, 6 (six, 34%) of the participants viewed the efficacy of the database in terms of the *modus operandi* of the criminal/rapist, the age of the victim, and surface on which the crime was committed. It is the view of the researcher that both the views of the 8 (eight) and the 6 (six) participants were insufficient, considering the sophistication of rape cases in the country and elsewhere in other parts of the world. Ironically only 2 (two) of the 18 participants included an exhaustive list (e.g. physical evidence and other related factors as indicated in the Table) as justification for establishing a database as a useful resource to confront the scourge of rape. The participants' views on this issue concur with those of many scholars on the subject (Santos, 2013:68).

4.3.2 Records Management Systems

Table 4.2 represents responses to perspectives on the record management systems. Participants were asked the question: ***What type of resources are you using in order to get information?***

Table 4.2: Records management systems

Records Management Systems		
Response	Frequency	Value
Institutionalise local centre for criminal records; Photographer, fingerprint experts, victim, complainant, and eyewitnesses.	18	100%
Total	18	100%

Accruing from Table 4.2 above, it is evident that all participants (n=18, 100%) all participants were in agreement that a record management system serves to institutionalise a local centre for criminal records. Additionally, the participants were still

unanimous that a record management system should entail photographers, fingerprint experts, complainant, the victim and eyewitnesses. Of all the questions posed to the participants it was only on records management systems that there was unequivocal agreement. This could suggest that the participants were generally efficient in record keeping pertaining to rape cases. For both ethical and legal reasons the researcher did not focus on the contents of rape dockets as this would have post an intrusion into the privacy, confidentiality and anonymity of the rape victims, their families and witnesses.

4.3.3 Crime Scene Observation

Table 4.3 below depicts responses relating to crime scene observations based on the question: ***In what way does the crime scene provide information?***

Table 4.3: Crime scene observations

Crime Scene Observation		
Response	Frequency	Value
Linkage of the offender and the victim to the crime scene; establish whether sexual relations existed, or fear, coercion or force occurred	10	56%
Establish whether fear, coercion or force happened	5	28%
Linkage of the suspect and the victim; Determine the role or activity of offender.	3	16%
Total	18	100%

Emanating from Table 4.3 above, the majority of participants (n=10, 56%) responded affirmatively that crime scene observations served the purpose of connecting the victim and offender to the scene of the crime, establishing whether sexual relations, fear and coercion existed. Five of the participants (28%) responded that observation of the crime scene should establish whether fear, coercion or force existed. Only 3 (three) of the participants (16%) mentioned that crime scene observation should include a determination of whether or not the suspect could be linked to the victim; and establishing the activities or movements of the perpetrator/suspect prior and subsequent to the commission of the rape. It is evident that the views of the 10 and the other 3 (three) participants were more comprehensive in terms of the physical evidence and observations needed at the crime scene (Turvey, 2013:233).

4.3.4 Aspects of Modus Operandi

Table 4.4 below depicts responses relating to participants' knowledge, experiences and perceptions pertaining to aspects of *modus operandi*, based on the question:

What are the basic elements of the modus operandi technique?

Table 4.4: Aspects of modus operandi

Aspects of <i>Modus Operandi</i>		
Response	Frequency	Value
Weekday, method and time on commission of the crime; Type of target	10	56%
Type of target; Weekday and time	6	33%
Protection of suspect's identity; Ensuring success and preventing escape.	2	11%
Total	18	100%

According to Table 4.4 above, the majority of participants (n=10, 56%) responded to aspects of the *modus operandi* technique in terms of the weekday, method and time on commission of the crime; as well as the type of rape victim being targeted. On the other hand 6 of the participants (33%) viewed aspects of a rape perpetrator's *modus operandi* in terms of the type of victim being targeted; as well as the week day and time at which the crime was committed. Only 2 (two) of the participants (11%) regarded the protection of a suspect's identity, as well as successfully preventing the suspect's escape, as important aspects of the *modus operandi* or profile of the suspect.

4.3.4.1 Definition of Modus Operandi

Table 4.5 below depicts responses relating to the definition of the term "*modus operandi*", based on the question: ***What is a modus operandi?***

Table 4.5: Definition of modus operandi

Definition of <i>Modus Operandi</i>		
Response	Frequency	Value
A method and technique used in the perpetration of rape.	8	44%
The method of committing a crime.	6	33%
Suspects' method of operating in coercing sexual penetration	3	17%
A specific way in which someone does something.	1	6%
Total	18	100%

Table 4.5 above shows that most participants (n=8, 44%) responded that the method/ technique used in the perpetration of rape was a credible means to define a rapist's *modus operandi*. Six (33%) of the participants defined the rapist's *modus operandi* as the method of committing the rape crime, and 3 (three, 17%) defined a *modus operandi* in terms of suspects' method of operating in order to coerce sexual penetration of their targeted victims. Only 1 (6%) of the participants cited *modus operandi* as a particular way in which someone does something. In the context of all the afore-cited responses, the

notion of *modus operandi* is posited as the operational profile and behavioural attributes of the rape perpetrator.

4.3.4.2 Significance of Modus Operandi

For the responses in table 5.6, the participants were asked the question:

What is the significance of modus operandi?

Table 4.6: Significance of modus operandi

Importance of <i>Modus Operandi</i>		
Response	Frequency	Value
Linking the victim, the suspect and scene of the crime	10	56%
Identifying links between a crime scene and rapes committed with the same <i>modus operandi</i>	8	44%
Total	18	100%

Table 4.6 above depicts that the majority of participants (n=10, 56%) view the importance of the *modus operandi* technique in terms of the linkage between the victim, the suspect, and scene of the crime. On the other hand, the minority participants (n=8, 44%) provided a more comprehensive response that incorporated the crime scene-perpetrator nexus with the same *modus operandi* of the perpetrator to describe the importance of the *modus operandi* technique.

4.3.4.3 Purpose of Modus Operandi

Table 4.7 below is an indication of the participants' responses to the question:

What is the purpose of modus operandi?

Table 4.7: Purpose of modus operandi

Purpose of <i>Modus Operandi</i>		
Response	Frequency	Value
Establishing a suspect's identity	7	39%
Identifying a suspect	10	55%
Investigating possible connections of an unresolved crime, suspect identification, and investigative leads	1	6%
Total	18	100%

Table 4.7 is a representation of the majority of participants (n=10, 55%) stating that the purpose of the *modus operandi* is to establish the identify of a suspect, while 7 (seven, 39%) of the participants linked the purpose to the identification of the suspect. It should be noted that while the 55% responses related to the post-investigation process when the suspect was already apprehended, the 39% responses refer to the investigative stages prior to such apprehension.

Meanwhile, 1 (one, 6%) participant averred that the purpose of the *modus operandi* investigation method was to Investigate possible connections of an unresolved crime, suspect identification, and investigative leads. It is instructive that it was only the latter participant who provided a more inclusive and apt response to the question posed. Such a situation endorses the view that the statistical majority is not always reflective of an objective or knowledgeable factual majority. Hence, a big sample size does not necessarily constitute a maximum representation of the expected or required knowledge, experiences and perceptions of participants. In this regard, a smaller sample size could have the same impact as a bigger one, if not more (Kumar, 2011:203; Welman, Kruger & Mitchell, B. 2015).

4.3.5 Definition of a Criminal Investigation

Table 4.8 shows responses to the question: ***What is a criminal investigation and its purpose?***

Table 4.8: Definition of a criminal investigation

Criminal Investigation		
Response	Frequency	Value
For instituting court proceedings; An integral part of police functions in formalised social harmonisation structures.	7	39%
Collection of evidence and information for identifying, apprehending and convicting suspected offenders.	5	27%
A systematic probing of truth in solving a crime; Investigation and consideration of facts.	3	17%
Systematic search for the truth aimed at finding a positive result in a crime with investigation of objective and subjective clues.	1	6%
Involves collection of evidence and information in identifying, arresting and convicting a suspect or offender.	2	11%
Total	18	100%

Table 4.8 above shows that the majority of participants (n=7, 39%) defined a criminal investigation and its purpose as a means for instituting court proceedings and a critical aspect of police work in a formal social harmonisation structures. Five participants (27%) the collection of evidence and information and for identifying, apprehending and convicting suspected offenders as important factors in a criminal investigation Meanwhile, 3 (three) participants (17%) define criminal investigation in terms of its systematic probing of truth in solving a crime, as well as investigation and consideration of facts. One participant (6%) defined a criminal investigation in respect of its systematic search for the truth aimed at finding a positive result in a crime with investigation of objective and

subjective clues. On the other hand, 2 (two, 11%) participants mentioned that a criminal investigation is defined according to the collection of information for identifying, arresting, and convicting a suspect/ offender.

4.3.6 Definition of a Suspect

Table 4.9 below reflects responses to the question: *What is a suspect?*

Table 4.9: Definition of a suspect

Participants' Definition of a Suspect		
Response	Frequency	Value
A person suspected of committing crime	7	39%
A person arrested, detained but not yet charged with a criminal offence	6	33%
A person seen committing a crime	3	17%
A person who has committed a crime but not yet arrested	2	11%
Total	18	100%

Emanating from Table 4.9, the majority of subjects (n=7, 39%) defined a suspect as a person who is suspected of committing crime, therefore, not yet arrested. On the other hand, six participants (33%) viewed a suspect as a person who is arrested, kept in police custody and not yet charged. Furthermore, 3 (three) participants (17%) thought of a suspect as a person seen committing a crime; Two participants (11%) referred to a suspect as a person who has committed a crime but not yet arrested. It is worth stating that all eighteen participants provided definitions that were almost similar, except that the degree of variability was prominently expressed by the six participants whose definitions were more elaborate than those of the other twelve participants.

4.3.7 Role and Importance of Suspect Identification

Table 4.10 shows responses to the question: *How can an investigator use modus operandi to identify a suspect?*

Table 4.10: Role and importance of suspect identification

Role and Importance of Suspect Identification		
Response	Frequency	Value
For connecting a suspect to a crime	7	39%
Victim identifying the suspect through a photo, identification parade or the knowing suspect personally.	6	33%
Identifying a suspect through the voice or fingerprints.	4	22%
Every person is unique, with certain attributes that stand out, making them different from each other. Such attributes can be used for identifying a suspect	1	6%
Total	18	100%

From the researcher's viewpoint, the collective information displayed in Table 4.10 above shows that the majority of participants (n=7, 39%) and (n=4, 22%) with a total of 11 (7 +

4, 39% + 22% = 61%) displayed a narrower understanding of investigators' utilisation of the *modus operandi* technique in the identification of a suspect. The implication is that only the minority of the participants, with a total of 7 (6 + 1, 33% +6% = 39%) collectively provided more detailed responses and understanding. Once again, this attests to the fact mentioned earlier (in sub-section 4.3.4.3/ table 4.7), that a statistical majority did not necessarily constitute a qualitatively valuable contribution to both the research problem and research questions or objectives, as well as the sampling criteria as determined by the researcher (Unrau et al., 2015:56).

4.3.7.1 Suspect Identification Techniques

Table 4.11 below is an illustration of participant responses to the question: ***Which techniques can be used to identify a suspect?***

Table 4.11: Suspect identification techniques

Suspect Identification Techniques		
Response	Frequency	Value
Witnesses; DNA; Photos; Fingerprints; Victim; <i>Modus operandi</i> ; and Identification parades.	6	33%
Voice, Body movements, Hair, Facial features, Body language, and Bite marks.	5	28%
Smells, language spoken and movement.	4	22%
Pointing out of suspect by victim or witnesses; Through investigation and Through informers	3	17%
Total	18	100%

In comparison with the other participants, the information in Table 4.11 indicates that only 4 (four, 22%) of the participants provided the barest or least detailed responses compared to the rest (n=14, 78%) of the participants who collectively provided more detailed and illuminating responses relating to suspect identification techniques. It would have been more disturbing if it was the majority of the participants who provided the least number of variables in this regard, because it would imply (on a scale of generalisability) that most investigators' suspect identification skills were rather questionable.

4.3.7.2 Suspect/Perpetrator Identification Categories

Table 4.12 below is a depiction of participants' responses to the statement: ***Name the categories of identification.***

Table 4.12: Suspect/Perpetrator identification categories

Suspect/Perpetrator Identification Categories		
Response	Frequency	Value
Do not know	5	28%
Photos; DNA (semen, blood, and hair); Witnesses; Complainant; Fingerprints and <i>modus operandi</i> of the perpetrator.	4	22%

Suspect/Perpetrator Identification Categories		
Movement; Voice; Signs; Facial features.	3	17%
Helped by complainant or witnesses.	6	33%
Total	18	100%

On a scale of “knowing” and “not knowing”, the information in Table 4.12 above, is somewhat disconcerting in that a total majority of 11 participants (5 + 6, 28% + 33% = 61%) either did “not know” or reflected 1 (one) factor (being helped by the complainant or witness) as an important category for suspect or perpetrator identification. Similar to the responses reflected in Table 4.10 (sub-section 4.3.7) for the role and importance of suspect identification, suspect identification categories were a worrisome factor because the suspect or alleged perpetrator *must* always be sought and linked to the crime scene to ensure that investigators secure a successful arrest (Adams et al. 2012:173; Fisher & Fisher, 2012:49).

4.3.7.2 Modus Operandi as Identification Technique

Table 4.13 below is an illustration of participant responses to the question: ***How can an investigator use modus operandi to identify a suspect?***

Table 4.13: Modus operandi as identification technique

Modus Operandi as Identification Technique		
Responses	Frequency	Value
Fingerprints found at the crime scene; checking how the crime was committed and similarity of methods and techniques for possible linkage to the same person; Subjecting the perpetrator to an identification parade.	10	56%
Do not know	8	44%
Total	18	100%

Table 4.13 above indicates that a minority of participants (n=8, 44%) did “not know” how the *modus operandi* technique could be used by investigators in the identification of suspects. Contrarily, the majority of participants (n=10, 56%) demonstrated their knowledge of this technique by citing examples such as: fingerprints found at the crime scene; checking how the crime was committed and the similarity of methods and techniques for possible linkage to the same person(s); as well as subjecting the perpetrator to an identification parade. Notwithstanding their minority, the very prevalence of 44% of law enforcement officers (investigators) in any situation “not knowing” does engender distrust and low confidence by the public (Roelofse & Gumbi, 2018:16; Saferstein, 2015:29).

In this information and communication era, investigating rape cases successfully depends largely on the sophistication and effectiveness of methods applied by crime investigators, such that they eventually exercise superior methodological advantage over the crime perpetrator's very *modus operandi* (Berning, 2009:61; Du Plessis, 2015:84). Given the increasing trends in rape crimes and other associated sexually motivated offences, it is imperative that investigators are skilled and equipped to be ahead of rapists, rather than perpetually reacting and scrambling to keep abreast of their heinous *modus operandi*.

4.3.7.2.1 Admissibility requirements for suspect identification

The centrality of pursuing the *modus operandi* of criminality rests on the legal and law enforcement imperative to 'place' the suspected offender at the crime scene beyond any doubt. For that reason, it is an obligation on the part of crime scene investigators to ensure that all possible technological, legal and scientific methods are expended in order to present admissible evidence that is both admissible and irrefutable in a court of law (Bennett & Hess, 2012:239; Gilbert, 2010:34)). Given the negativity surrounding the three police stations selected as research sites in Pretoria, the researcher views the question on **admissibility requirements** as poignantly critical to the collective outcome of the study. Accordingly, Table 4.14 below exemplifies participant responses to the question: **What are the court admissibility requirements for using modus operandi in identifying suspects?**

Table 4.14: Admissibility requirements for suspect identification

Admissibility Requirements for Suspect Identification		
Responses	Frequency	Value
Admissibility requirements include witnesses, identification parades, and crime scene forensic findings such as fingerprints.	6	33%
Linkage to crime scene through profiling to other cases and establishing similarity of the <i>modus operandi</i> .	5	28%
Evidence and exhibits were sufficient to place the suspect at the crime scene.	4	22%
The scene of crime, suspects, witnesses and exhibits or physical evidence should be linked as evidence in a court of law	3	17%
Total	18	100%

The information displayed in Table 4.14 above indicates that the majority of participants (n=6, 33%) were of the view that admissibility requirements were: witnesses, identification parades and finger prints; and five participants (n=5, 28%) cited linkage to the crime scene through profiling to other cases and establishing any similarities in the rape

suspect's *modus operandi*. Meanwhile, four participants (n=4, 22%) cited evidence and exhibits as being sufficient to place the suspect at the crime scene; and three participants (n=3, 17%) held that admissibility requirements could be established on the basis of: the scene of crime, suspects, witnesses and exhibits or physical evidence to be linked as evidence in a court of law.

A closer scrutiny of Table 4.14 further shows that all of the eighteen participants referred to the crime scene as the foremost central factor of admissibility requirements in court. As such any deficiency in investigative and crime detection skills and knowledge immediately renders law enforcement, particularly in rape case, extremely weak; therefore malleable to criminals in general to the disadvantage of the victims, their families and society at large (Bennett & Hess, 2012:239; Geberth, 2010:644).

4.3.7.2.2 Role and importance of individualisation

Douglas et al. (2013:72) posits that establishing the *modus operandi* of a crime perpetrator enhances the processes of unmasking the identity of such a perpetrator by profiling specific tendencies, methods and characteristics associated with a patterned occurrence of such crimes. It is in this regard that Table 4.15 below depicts elicited responses in respect of the question: ***What is individualisation?***

Table 4.15: Role and importance of individualisation

Role and importance of Individualisation		
Response	Frequency	Value
Individualisation serves to connect the suspect to the crime through witnesses and unique physical evidence, e.g. finger prints, DNA and witnesses.	7	39%
When only one person commits a crime and is unassisted by others.	5	27%
Person pointed out or found at scene of the crime.	3	17
Do not know.	2	11
It is when the investigator identifies the suspect	1	6
Total	18	100%

In Table 4.15 above, the majority of participants (n=7, 39%) were of the opinion that individualisation is to connect the suspect to the crime by means of physical evidence such as fingerprints, DNA and witnesses. Furthermore, (n=5, 27%) participants were of the opinion that it is when a crime is committed by one person, without the help from the friends. (n=3, 17%) participants were of the opinion that it is the person who has been pointed out or found at the scene of crime. Other (n=2, 11%) participants said that they

did not know what individualisation means and (n=1, 6%) participant said that it is where the investigator identify the suspect.

From the researcher's point of view, it is rather disconcerting that there were participants who were clueless (did "not know") about individualisation of a crime suspect. Overall, the elicited participant responses, except for the 7 (seven, 39%) were not very convincing as they seemed to conflate "individualisation" with any other crime scene related factors; when, in fact, individualisation also entails patterned behaviour outside or away from the crime scene. In other words, the crime scene only becomes the geographic location for executing an inherent behavioural pattern.

4.4 ACHIEVEMENTS OF THE STUDY

The achievement of the study reflects the sum total of the resolution of the research questions, the trustworthiness of its research processes and eventual findings, its relevance to actual real-life situations, as well as its contributions to the particular disciplinary field of knowledge under investigation (Creswell, 2013:184; Kumar, 2011:112). By their definition, the research objectives specify the measurable, attainable and time-bound activities undertaken to achieve the researcher's intentions in undertaking the study (Gray, Grove & Burns, 2013:66). As such, the research questions served as the primary means to ensure the study's adherence to its intentions without any undue deviation (Kumar, 2011:116; Wang, 2015:28). It is for this reason that each research objective is 'paired' with its corresponding research question for purposes of logically determining the extent of each objective's achievement without any conflation of "objective" and "question".

4.4.1 Resolution of the Research Questions

Both Research Questions 1 and 2 (and their attendant Objectives 1 and 2) are reflective of two dimensions or aspects of similar variables. Whereas the first objective premises on the literature-based (theoretical, abstract/conceptual and secondary) knowledge aspects, the second *extends* to the participant-based (practical, ethnographic/constructivist and primary) knowledge, experiences and perceptions of the animate/'live' human beings in their real-life contexts (Gravetter & Forzano, 2012:159; Wang, 2015:28). For purposes of logical presentation, the achievement of the two critical research questions is shown below in accordance with the main two global themes generated during the thematic data analysis process; namely, conceptual knowledge and gathering

of crime-related data. Both the research questions and related research objectives are shown in juxtaposition in order to reflect their inter-dependence and complementarity (Gravetter & Forzano, 2012:159; Serakan & Bougie, 2013:36).

In the context of this study, conceptual knowledge mainly reflects the extent of the participants' familiarity with the most basic or foundational knowledge aspects relating to the investigation and/or detection of crimes in general, and rape cases in particular. Such knowledge would be acquired or obtainable from formal education and training (Angrosino, 2007:23). It is in this context that one of the individual interview questions specifically focused on the participants' educational background even beyond their initial police training at the respective post-high school training facilities in the country. In addition to their conceptual knowledge, crime-related data gathering pertains to the actual on-the-field experiences in the course of investigating and detecting crime generally, and rape and other sexual violations in particular.

Research Objective 1: To explore, describe and analyse literature-based perspectives pertaining to the *modus operandi* investigative technique and its associated issues in rape and other related sexually motivated cases;

Research Question 1: What are the main literature-based perspectives concerning the *modus operandi* technique in the investigation of rape and other related sexually motivated cases?

Research Objective 2: To explore, describe and analyse the ethnographic knowledge, experiences and perceptions of participants relating to the *modus operandi* investigative technique and its associated issues in rape and other related sexually motivated cases;

Research Question 2: What are the participants' views concerning the *modus operandi* technique in the investigation of rape and other related sexually motivated cases?

Table 4.16 below is an encapsulation of the main themes accrued from the information generated in Tables 1-15. These themes are both an indication of the extent to which the objectives and research questions were responded to, as well as the framework in terms of which the main conclusions (sub-section 4.4.2) were reached or established.

Table 4.16: Summary of main themes

Main/ Global Theme 1: Conceptual Knowledge	
Theme 1: Aspects of <i>Modus Operandi</i>	
Literature-based	Participant-based
Emphasised by its Definition, Importance, Purpose, Significance and Influence	A method and technique used in the perpetration of rape; Suspects' method of operating in coercing sexual penetration
	Linking the victim, the suspect and scene of the crime
	Weekday, method and time on commission of the crime; Type of target; Protection of suspect's identity; Ensuring success and preventing escape
Theme 2: Criminal Investigation	
Literature-based	Participant-based
Crime Scene Investigation Forensic Investigation Physical evidence & Geographic Information Systems Resources	Linkage of the offender and the victim to the crime scene; establish whether sexual relations existed, or fear, coercion or force occurred
Theme 3: Suspect Identification	
Literature-based	Participant-based
Admissibility Requirements Psychological & Physical Profiles	A person suspected of committing crime; A person arrested, detained but not yet charged with a criminal offence
Theme 4: Suspect Individualisation	
Literature-based	Participant-based
Main/ Global Theme 2: Documentation of Crime-Related Data	
Theme 2.1: Database Establishment	
Literature-based	Participant-based
Computerisation & coordination of electronic records	Time, place, nature of offence; Physical evidence; suspect height body impression; type of clothes; language spoken; bears long or short face; chin, eye colour, marks on ears, stars, tattoos; shape, facial hair, length and teeth condition
Theme 2.2: Records Management Systems	
Literature-based	Participant-based
Informational heart of any police department's operations	Institutionalise local centre for criminal records; Photographer, fingerprint experts, victim, complainant, and eyewitnesses.

It should be noted that the table above is neither a duplication nor a reproduction of any of the tables in Section 4.3. Rather, table 4.16 depicts the association between the conceptual (literature-based) and practical/experiential (participant-based), and the first two objectives and related research questions of the study. In this regard, the emphasis is on the thematic information generated through the analytic process highlighted in

Section 1.12 (Data Management and Analysis of the Study). It is the researcher's contention that there was a significant degree of correlation between the participants' responses and the literature perspectives, especially in relation to the conceptual knowledge. There could have been terminological variations, but the essential understanding of the participants indicated an above-average level of experiential knowledge-in-action.

On the administration-related factors (i.e. records management and databases), the participants were more accurate, and comparable to the literature conceptual explanations and descriptions. On the whole, this objectives was met successfully.

4.4.2 Main Conclusions

The study's main conclusions emanate collectively from the efficacy of its findings in relation to the accomplishment of its objectives and thematic scheme represented in Table 4.16 above. It is worth stating that the *modus operandi* investigation technique constitutes the most integral aspect of the thematically stated main conclusions below in respect of the two global themes indicated.

4.4.2.1 Documentation of Crime-related Data

The documentation of crime-related data and information is essential for tracing possible suspects in various geographic locations (Angrosino, 2007:23; Hazelwood & Burgess, 2009:174). Each crime has its own *modus operandi* and signature, which necessitates investigators' documentation of the specific modalities in order to link crimes committed in different places to be analysed electronically through databases. A record management system also enhances this objective of searching for, and identifying possible suspects.

4.4.2.2 Conceptual Knowledge

As in most employment contexts, criminal investigators undergo specialised training relevant to crime. As such, their understanding of basic conceptual knowledge is essential to complement their actual field-based experiences in the real world. Such conceptual understanding also keeps them abreast of criminals' ever-evolving tactics to evade the law. Traditional criminal investigations require the advanced advantage afforded by science and technology-based forensic investigations to enhance capturing of physical and non-physical evidence in order to prepare admissible cases.

Knowledge of a crime suspect's *modus operandi* aspects enhances the individualisation of such a suspect for subsequent identification and arrest. Although the participants displayed a relatively acceptable level of conceptual understanding of the pertinent terms

in criminology, it is in the practical aspects where improvements need to be seen. In its rationale (Section 1.3), the study has clearly articulated the reasons for selecting the three SAPS police stations as research sites. Therefore, a determination of the participants' overall understanding of the basic concepts in rape cases was essential (Becker, 2009; Berning, 2009).

4.5 RECOMMENDATIONS

In essence, recommendations are the researcher's own propositions for the amelioration of the research problem as determined in the study (De Vos et al., 2011:104; Kumar, 2011:54). The below recommendations are made on the basis of the findings revealed during this research:

4.6.1 Recommendations Commensurate With Research Question 1

The findings revealed that investigators were not adequately conversant with the significance of developing *modus operandi* databases. The following recommendations are proposed:

- That investigators be trained in the usage of databases and record management systems to enhance comparison of cases of crimes committed elsewhere. Training should also incorporate *modus operandi* skills.
- That the CAS (Crime Administration System) of the SAPS be utilised to capture *modus operandi* information and be utilised as well as the checklist which must be attached to the docket.
- That a Crime Scene Management course be availed for investigators to enhance their crime scene duties as most physical evidence are left behind.

4.6.2 Recommendations Commensurate With Research Question 2

The following recommendations are proposed:

- That a suspect should be treated as such until confirmed or exonerated on the basis of physical evidence.
- That suspect identification should be considered an essential part of crime scene investigation, and not an occasional requirement for admissibility of evidence.
- Similar to identification, that individualisation through *modus operandi*, be prioritised as integral to a criminal investigation.

4.7 RESEARCHER'S CONCLUDING REMARKS

The scourge of rape in the country has reached unimaginable proportions in its levels of brutality displayed by perpetrators. As much as possible, concomitant and proactive measures ought to be resorted to, in the sphere of effective suspect identification strategies in order to prevent the rampant occurrence of rape crimes before they occur. In this regard, investigators' capacity to absorb detailed information and technical savvy and logical analysis should be constantly upgraded, monitored, and evaluated (Bennett & Hess, 2012:25).

This study is a contribution from an experienced and professionally trained investigator who shares the burden of society's expectations for justice despite the dangers of the environment in which they work. Notwithstanding, vigilance and readiness to 'do battle' against organised and individual criminality can only succeed with advanced knowledge of the criminals' behaviour, motives, attitudes and real intentions.

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ANNEXURE A: PERMISSION TO CONDUCT RESEARCH IN SAPS

Genl. M. J. Ratombo

Genl. M. J. Ratombo

TO: (Name, Rank, No.)	FROM: (Name, Rank, No.)	DATE	TIME
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TO: (Name, Rank, No.)

FROM: (Name, Rank, No.)

THE PROVINCIAL COMMISSIONER: GUTENG
SOUTH AFRICAN POLICE SERVICE
PRETORIA
2018

TO: (Name, Rank, No.)

Lt Col Joubert
AJC Thenga
(012) 393 3118
JoubertG@saps.gov.za

Mr MJ Ratombo
UNIVERSITY OF SOUTH AFRICA

RE: PERMISSION TO CONDUCT RESEARCH IN SAPS: ANALYSING THE SIGNIFICANT OF MODUS OPERANDI AS AN IDENTIFICATION TECHNIQUE IN RAPE CASES: UNIVERSITY OF SOUTH AFRICA: MASTERS DEGREE: RESEARCHER: MJ RATOMBO

The above subject matter refers.

You are hereby granted approval for your research study on the above mentioned topic in terms of National Instruction 1 of 2006.

Further arrangements regarding the research study may be made with the following office:

The Provincial Commissioner: Gauteng:

- **Contact Person:** Capt Nevumbani
- **Contact Details:** (011) 547 9132
- **Email Address:** nevumbanivj@saps.gov.za

Kindly adhere to paragraph 6 of our Attached letter signed on the **2018-10-05** with the same above reference number.

[Signature]
LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: RESEARCH
DR BM ZULU

DATE: 2018/11/19

ANNEXURE B: CONFIRMATION OF PERMISSION TO CONDUCT RESEARCH IN SAPS

G.P.-S. 002-0223

SOUTH AFRICAN POLICE SERVICE



SOUTH AFRICAN POLICE SERVICE

Private Bag X302, Pretoria, 0001

Reference	3/34/2
Enquiries	Brigadier L Strauss Captain MJ Mokgosi
Telephone	012 393 2354
Fax number	012 393 2193
E-Mail	Head.fcs@saps.gov.za

OFFICE OF THE DIVISIONAL COMMISSIONER
DETECTIVE SERVICE
HEAD OFFICE
PRETORIA
0001

The Divisional Commissioner
RESEARCH

PERMISSION TO CONDUCT RESEARCH IN THE SAPS: ANALYSING THE SIGNIFICANCE OF MODUS OPERANDI AS AN IDENTIFICATION TECHNIQUE IN RAPE CASES: UNIVERSITY OF SOUTH AFRICA: MASTERS DEGREE: RESEARCHER: MJ RATOMBO

1. Your letter dated 5 October 2018 regarding a request to conduct research with the aim to analyze the significance of modus operandi as an identification technique in rape cases, refers.
2. This office hereby grants permission that the requested research be conducted and your office make further arrangements with the researcher and also obtain an undertaking from the researcher prior to the commencement of the research, taking into account paragraph 6 of your letter.
3. The following are the contact details as requested:

Provincial Head: Family Violence, Child Protection and Sexual Offences Investigation:
Gauteng
Contact Person: Brigadier R Palko
Telephone number: 011 274 7864
Email address: Palkor@saps.gov.za
4. Kindly take note that permission is only granted to the researcher to interview eighteen (18) Investigators but no access to dockets either under investigation or filed.
5. Your cooperation on this matter is appreciated.


LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: DETECTIVE SERVICE
TC MOSIKILI

Date:

ANNEXURE C: APPROVAL OF REQUEST TO CONDUCT RESEARCH IN SAPS

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag X 94

Verwysing/Reference:	3/34/2
Navrae/Enquiries:	Lt Col Joubert AC Thenga
Telefoon/Telephone:	(012) 393 3118

DIVISION: RESEARCH
SOUTH AFRICAN POLICE SERVICE
PRETORIA
0001

- A. The Provincial Commissioner
GAUTENG
- B. The Divisional Commissioner
DETECTIVE SERVICE

PERMISSION TO CONDUCT RESEARCH IN SAPS: ANALYSING THE SIGNIFICANT OF MODUS OPERANDI AS AN IDENTIFICATION TECHNIQUE IN RAPE CASES: UNIVERSITY OF SOUTH AFRICA: MASTERS DEGREE: RESEARCHER: MJ RATOMBO

- A-B. 1. The above subject matter refers.
- 2. The researcher, Mr MJ Ratombo, is conducting a study with the aim *to analyse the significance of modus operandi as an identification technique in rape cases.*
- 3. The researcher is requesting permission to interview eighteen (18) detectives, consisting of six (6) investigators at each of the following Police Stations: Sunnyside, Brooklyn and Mamelodi.
- 4. The proposal was perused according to National Instruction 1 of 2006. This office recommends that permission be granted for the research study, subject to the final approval and further arrangements by the offices of the Provincial Commissioner: Gauteng and the Divisional Commissioner: Detective Service.
- 5. We hereby request the final approval by your office if you concur with our recommendation. Your office is also at liberty to set terms and conditions to the researcher to ensure that compliance standards are adhered to during the research process and that research has impact to the organisation.

PERMISSION TO CONDUCT RESEARCH IN SAPS: ANALYSING THE SIGNIFICANT OF MODUS OPERANDI AS AN IDENTIFICATION TECHNIQUE IN RAPE CASES: UNIVERSITY OF SOUTH AFRICA: MASTERS DEGREE: RESEARCHER: MJ RATOMBO

6. If approval granted by your office, this office will obtain a signed undertaking from researcher prior to the commencement of the research which will include your terms and conditions if there are any and the following:
 - 6.1. The research will be conducted at his/her exclusive cost.
 - 6.2. The researcher will conduct the research without the disruption of the duties of members of the Service and where it is necessary for the research goals, research procedures or research instruments to disrupt the duties of a member, prior arrangements must be made with the commander of such member.
 - 6.3. The researcher should bear in mind that participation in the interviews must be on a voluntary basis.
 - 6.4. The information will at all times be treated as strictly confidential.
 - 6.5. The researcher will provide an annotated copy of the research work to the Service.
7. If approval granted by your office, for smooth coordination of research process between your office and the researcher, the following information is kindly requested to be forwarded to our office:
 - **Contact person:** Rank, Initials and Surname.
 - **Contact details:** Office telephone number and email address.
8. A copy of the approval (if granted) and signed undertaking as per paragraph 6 supra to be provided to this office within 21 days after receipt of this letter.
9. Your cooperation will be highly appreciated.


LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: RESEARCH
DR BM ZULU

DATE: 2018/10/05

ANNEXURE D: PARTICIPANTS' INFORMED CONSENT FORM

Analysing the Significance of Modus Operandi as an Identification Technique in Rape Cases

Thank you for agreeing to participate in this study.

The aim of this study is to analyse the significance of modus operandi as an identification technique in the rape cases.

- The purpose of this study is to:
 - To evaluate the existing routes or ways in which investigators are using rape, with the intention to determine the strengths and weaknesses, which determine how it could be improved.
 - To explore national and international literature, to see how modus operandi is utilised elsewhere. The reason for this is to report the findings, and be able to implement the new information in a real practice scenario.
 - To recommend possible solutions, which if applied in practice, will enhance the performance of individual's skills in the policing fraternity.

The research will have the following benefits:

- This research will benefit SAPS if investigators improve the skills and effort in analysing the significance of modus operandi as an identification technique in rape cases, criminals will be successfully prosecuted. The UNISA community will also benefit because if this research is published it will benefit other investigators who will be interested in certain aspects covered by this study.
- This research will give knowledge to investigators who will be seeking information on the significance of modus operandi as an identification technique in rape cases and the researchers who will be researching about the significance of modus operandi as an identification technique in rape cases in general as this study will cover all aspects in the analysis of the significance of modus operandi as an identification technique in rape cases.

Selection of Participants:

The researcher will utilize investigators from three police stations as they are all in the same cluster. In all three police stations the researcher will select 10% of investigators to make 30% of the sampling target for this study. The targeted participants for an interview will be the investigators who are involved in the investigation of rape cases. The population targeted for this study is the investigating officers of SAPS Sunnyside, Brooklyn and Mamelodi East.

The data collection methods that will be used in this study is:

- Literature
- Questionnaires

- Interviews

You have a right to refuse to participate in this research and to change your decision or to withdraw your consent if you wish. You are not forced to participate in this interview but your participation is highly appreciated. To ensure your privacy during the interview, the venue will be changed to a private and safer place. You don't have to give your personal identity in this interview you can remain anonymous if you wish to and your confidentiality and anonymity will be safeguarded. The interview will be audio recorded, if you are uncomfortable with the recording, you are free to say so and your request will be respected, also once the recording commences you are also free to stop the recording if you are uncomfortable with it. The information that you will provide during this interview will be used in this study and your identity will still be safeguarded and protected at all times. The findings of this study will be made available to the concern parties and it will be published for future use and for educational purposes. This research is expected to be finalized during October 2018.

As a researcher of this study I am guided by the UNISA Research Ethics Policy which compels me to comply with the rules set out in the Research Ethics Policy and should I breach any of the rules promised to you, I shall be facing the punishment set out in the UNISA Research Ethics Policy.

Should you wish to contact the researchers of this study feel free to contact Mr M.J Ratombo on 082 39 22 584 or RatomboM@saps.gov.za

By signing this consent form I certify that _____ agrees to
(Participant: print full name here)

participate in this study.

(Signature)

(Date)

ANNEXURE E: INTERVIEW SCHEDULE

ANALYSING THE SIGNIFICANCE OF MODUS OPERANDI AS AN IDENTIFICATION TECHNIQUE IN RAPE CASES.

You are hereby requested to answer the questions in this interview schedule to the researcher. The responses and the results will be dealt with confidentiality and no names of participants will be revealed to any person.

The researcher is bound to his assurances and guarantees by the ethics code for research of the University of South Africa. The information which you will provide will be used in a research project for a Master of Technology degree registers with the Forensic Investigation at the University of South Africa. The analysed and processed data will be published in a research report.

The interviewer will note your answers himself on the paper. If the questions are not clear to you, please ask the researcher for clarity. Only one answer per question is required. You must give your own opinion.

Written permission has been obtained from the South African Police Service in advanced for the interviews to be conducted.

SECTION A: HISTORICAL/ BIOGRAPHIC INFORMATION

1. Are you an investigator?

YES	NO
-----	----

2. How long are you an investigator?

1-5 yrs	5-10 yrs	10yrs and more
---------	----------	----------------

3. Did you attend the Basic Detective Course?

YES	NO
-----	----

4. Did you attend the Resolving of Crime Course (ROC)?

YES	NO
-----	----

5. Are you involved in the investigation of rape?

YES	NO
-----	----

SECTION B: KNOWLEDGE OF THE MODUS OPERANDI CONCEPT

1. What is modus operandi?

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

2. What kind of information do you register in the modus operandi database?

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

3. In what way does the crime scene provide information?

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

4. What type of resources are you using in order to get information?

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

5. Do you use physical evidence as a source of information?

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

6. What is forensic investigation?

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

7. What is criminal investigation?

.....
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8. What is the difference between forensic investigation and criminal investigation?

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9. What are the goals of forensic investigation?

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10. What is the importance of Modus Operandi?

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11. What is the purpose of investigation?

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12. What is the method in the investigation process?

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13. What do you understand about the techniques in the investigation process?

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14. Can you explain the difference between a technique and a method?

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15. What are the elements of modus operandi?

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16. What is modus operandi?

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17. What are the factors that can influence modus operandi?

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18. What is the significance of modus operandi?

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19. Under which circumstances can you use modus operandi?

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20. What is the purpose of modus operandi?

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21. Have you ever use modus operandi?

YES	NO
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SECTION C: UTILISATION OF MODUS OPERANDI IN SUSPECT IDENTIFICATION

1. What is a suspect?

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2. What is individualization?

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3. What is identification?

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4. What is the difference between individualization and identification?

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5. Which techniques can be used to identify a suspect?

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6. Name the categories of identification?

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7. Can an investigator use modus operandi to identify a suspect?

YES	NO
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8. Have you ever use modus operandi to identify a suspect?

YES	NO
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9. How can an investigator use modus operandi to identify a suspect?

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11. What are the admissibility requirements of using modus operandi in identifying a suspect in court?

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ANNEXURE F: EDITOR'S LETTER

EDITOR'S LETTER

This serves as proof of my involvement in the comprehensive academic editing, language control, text redaction, research methodology compatibility, and technical compliance of the Master's dissertation manuscript of Mr Mutondi Joseph Ratombo (Student Number: 36809314) submitted to me as part of his fulfilment of the requirements for the Master of Arts (Criminal Justice) degree registered with the University of South Africa (UNISA), and entitled:

Analysing the Significance of Modus Operandi as an Identification Technique in Rape Cases

In my capacity as an independent academic editor, I attest that all possible means have been expended to ensure that the final draft of Mr M.J. Ratombo's thesis manuscript reflects both acceptable research methodological practices and language control standards expected of postgraduate research studies.

In compliance with conventional ethical requirements in research, I have further undertaken to keep all aspects of Mr M.J. Ratombo's study confidential, and as his own individual initiative.

Sincerely.

TJ Mkhonto

BA Ed: North-West University, Mafikeng (1985)

MEd: School Administration; University of Massachusetts-at-Boston, USA, Harbor Campus (1987)

DTech: Higher Education Curriculum Policy Reform, Design & Management; University of Johannesburg, (2008)

All enquiries:

Email: mkhonto9039@gmail.com

Cell: +27(0)76 035 2929

Signed: 

Dr TJ Mkhonto

Independent Academic Editor

Date: 29 June 2021

dd/mm/yyyy

Professional
EDITORS
Guild

Themba J Mkhonto
Associate Member

Membership number: MKH001
Membership year: February 2021 to March 2022

076 035 2929
mkhonto9039@gmail.com

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