

**AN APPRAISAL OF THE PRELIMINARY INVESTIGATION AT THE BURGLARY  
SCENE BY FIRST RESPONDERS OF WITBANK CLUSTER VISIBLE POLICING**

by

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### **An appraisal of the preliminary investigation at the burglary scene by first responders of Witbank cluster visible policing**

I declare that the above dissertation 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 further declare that I submitted the dissertation to originality checking software and that it falls within the accepted requirements for originality.

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## EDITOR'S DECLARATION

I, the undersigned, hereby confirm my language and technical editing, text redaction and research methodology compatibility check for the research manuscript of **Mr Seraki Ruben Phahlane (Student Number: 32652348)** submitted to me as part of his fulfilment of the requirement for the Master of Arts (MA) in Criminal Justice degree registered with the University of South Africa (UNISA), and entitled:

**An appraisal of the preliminary investigation at burglary scenes by first responders of Witbank cluster visible policing**

As an independent academic editor, I attest that all possible means have been expended to ensure the final draft of **Mr S.R. Phahlane's** research manuscript retains his authorial voice, texture and register in respect of acceptable research methodology practices and language control standards expected of postgraduate research studies at his academic level.

In compliance with expected ethical requirements in research, I have further undertaken to keep all aspects of **Mr S.R. Phahlane's** study confidential, and as his own individual initiative.

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**“Blessed is the man who trusts in the Lord” (Jeremiah 17: 5-8).**

## DEDICATIONS

- I dedicate this dissertation to all public law enforcement officers and private security officers who serve with honesty, integrity, dedication and commitment, resisting the temptation to be recruited by criminal syndicates. Furthermore, I would like to remind them about the dangers of serving two masters. The Bible forewarned us to beware of serving two masters (Mathew 6: 24). The risk of serving two masters is that you will hate one and love the other, or rather be loyal to one and despise the other. Thus, you cannot serve the police and the criminals at the same time.
- I salute those men and women who are not attracted to the things of the world and continue to serve and protect lives and property with unfettered diligence.
- **English:** No man can serve two masters.
- **Sepedi (North Sotho):** O ka se hlankele marena a mabedi.
- **IsiZulu:** Akakho ongakhonza amakhosi amabili.

## **SUMMARY**

This study seeks to explore and evaluate the manner in which the members of Visible Policing placed at the CSC of the SAPS as first responders to the crime scene understand the importance of conducting preliminary investigation and also how well they apply this knowledge in practice. The purpose of the study is to evaluate preliminary investigation at the burglary scenes by first responders of Witbank cluster visible policing.

The study employs the qualitative research approach in order to discover and understand the participants' perspectives and experiences on preliminary investigations. Three critical themes were generated through the study findings, namely: skills level required to conduct preliminary investigation; challenges encountered when arriving at the burglary scene; and necessary resources to conduct preliminary investigation. These findings served as the framework for making appropriate recommendations about preliminary investigation by the members of visible policing stationed at the SAPS CSC as first responders.

## **KAKARETŠO**

Thuto ye e rata go lekola le go hlahloba mekgwa yeo maloko a maphodisa a go bonagala ka yunifomo ao a beilwego ka CSC ya sephodisa sa ditirelo tša Afrika Borwa (SAPS) bjalo ka maphodisa a pele lefelong la bohodu ba kwešišago bohlokwa bja dinyakišišo tša semetseng gape le mokgwa o mokaone wa tirišo ya tsebo yeo mošomong wa bona. Maikemišetšo a thuto ye ke go lekodišiša dinyakišišo tša semetseng go lefelo la bohodu ka maphodisa a pele tikologong ya selete sa Witbank.

Thuto ye e berekiša mekgwa ya tshedimošo ya tlhago go kwešiša ka mo go tseneletšego ga dikgopolo, gomme se sekgona go ribolla le go kwešiša dikakanyo le maitemogelo a ba tšea karolo go dinyakišišo tša semetseng. Dipelo tša thuto ye di tšweleditše dihlogotaba tše tharo tše bohlokwa kudu gomme tšona di latela ka tsela ye: seemo sa bokgoni bjo bo nyakegago go dinyakišišo tša semetseng; mathata ao maphodisa a pele bahlakanago le wona ditiragalong tša bohodu bja ka ngwakong; le ditlabakelo tšeo di hlokegago go thuša go dira dinyakišišo tša semetseng. Dipelo tše di berekišitšwe bjalo ka mahlomo a dikeletšo tše di nepagetšego mabapi le dinyakišišo

tša semetseng ka maloko a visible policing a o a beilwego ka CSC ya sephodisa sa ditirelo tša Afrika Borwa (SAPS) bjalo ka maphodisa a pele.

## **ISIFINYEZO**

Ucwaningo lokuhlolisisa kabanzi ukuzwisisa ngokubaluleka kophenyo lokuqala nokusebenzisa ulwazi abanalo endaweni yesehlakalo sobugebengu ngamaphoyisa wase ningizimu Africa (SAPS) abonakala nge uniform, asebenzela endaweniyokusiza umphakathi esiteshi samaphoyisa, futhi angowokuqala esehlakalweni sobugebengu. Injongo yalolucwaningo ukuhlolisisa uphenyo lokuqala olwenziwa ngamaphoyisa asebenzela esigodini samaphoyisa eWitbank ezindaweni zezehlakalo sokugqokeza.

Kusetshenziswe uhlobo lokuhlolisisa nokuzwisisa imibono nolwazi olujulile kulabo abakhethiwe futhi bakebabamba iqhaza ngophenyo lokuqala kuzehlakalo zobugebengu. Imiphumela yalolucwaningo iveze amaphuzu amathathu asemqoka alandelayo: izinga lekhono elidingekayo kuphenyo lokuqala, izinselelo amaphoyisa wophenyo lokuqala ahlangebana nazo ezehlakalweni zokugqokeza, nezinsiza ezidingekayo kuphenyo lokuqala. Lemiphumela yalolucwaningo ingasetshenziswa njengohlaka nesisekelo seziluleko eziqondile kumsebenzi wophenyo lokuqala owenziwa malunga wamaphoyisa eningizimu Afrika.

## **KEY TERMS**

Burglary, chain of custody, contamination, crime scene, first responder, Locard exchange principle, physical evidence, preliminary investigation, transient evidence, victim.



## LIST OF ACRONYMS AND DESCRIPTIONS

|                    |  |
|--------------------|--|
| <b>ANC</b>         | African National Congress                            |
| <b>CAS</b>         | Case Administration System                           |
| <b>CPA</b>         | Criminal Procedure Act                               |
| <b>CSAL</b>        | Crime Scene Access Log                               |
| <b>CSC</b>         | Community Service Centre                             |
| <b>CSM</b>         | Crime Scene Management                               |
| <b>DNA</b>         | Deoxyribonucleic Acid                                |
| <b>EMS</b>         | Emergency Medical Services                           |
| <b>FIC</b>         | First Information of Crime                           |
| <b>FMR</b>         | First Member Report                                  |
| <b>FRO</b>         | First Responding Officer                             |
| <b>ICDMS</b>       | Integrated Case Docket Management System             |
| <b>IO</b>          | Investigating Officer                                |
| <b>KPA</b>         | Key Performance Area                                 |
| <b>LCRC</b>        | Local Criminal Record Centre                         |
| <b>MO</b>          | Modus Operandi                                       |
| <b>NPA</b>         | National Prosecuting Authority                       |
| <b>PEP</b>         | Performance Enhancement Plan                         |
| <b>RSA</b>         | Republic of South Africa                             |
| <b>SAPS</b>        | South African Police Services                        |
| <b>SAPS NI</b>     | South African Police Services National Instruction   |
| <b>SAPS SO (G)</b> | South African Police Services Standing Order General |
| <b>SGT</b>         | Sergeant   |
| <b>SMS</b>         | Short Messaging Service                              |
| <b>SOP</b>         | Standing Operating Procedure                         |
| <b>UNISA</b>       | University of South Africa                           |
| <b>VISPOL</b>      | Visible Policing                                     |

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# **CHAPTER ONE**

## **GENERAL ORIENTATION**

### **1.1. INTRODUCTION**

Preliminary investigation serves as the foundation of the criminal case. It should therefore be carried out properly to attain accurate information and to avoid jeopardising the entire investigation. Evidence collection also starts at the crime scene. Preliminary investigation usually starts when crime is reported to the police and patrol van is dispatched to attend and continues until the crime scene is processed. In a South African context, Community Service Centre (CSC) officials are usually dispatched to attend complaints of burglary and the first to arrive at the burglary scene and they often find a very chaotic and uncontrolled situations. They sometimes find the burglary still in progress and have to deal with the situation accordingly by following the correct procedures. These first responding officers 'CSC officials' are expected to bring order and control the situation. This includes identification of potential victims, witnesses, identifying and arresting suspects and securing the burglary scene which is one of their top priorities. The CSC officials must determine what the initial crime of burglary encompasses and the actual boundaries of that scene. The initial decision and actions by the first responders at the burglary scene have a fundamental bearing on how investigation process will unfold.

This chapter involves the discussion of what seems to be a problem of little or no knowledge and skills in preliminary investigation at the burglary scene by CSC officials as first responders. The research purpose which is to explore, determine and evaluate to what extent the CSC officials are familiar with their roles and duties as first responders at the burglary scenes is also explained. It may not be helpful to read a term which is not understood by the reader, so the definition of the main concepts is clearly defined. This chapter also outline the value of the study.

## 1.2. CONTEXTUALISING THE PROBLEM

During the 18-year service as a police official based at the Community Service Centre (CSC) in the South African Police Service (SAPS) in Mpumalanga province; the researcher through his experience as a police officer personally observed that a significant number of SAPS visible policing members placed in the CSC seem to lack knowledge and skills to conduct a preliminary investigation at burglary scenes. This is irrespective of the SAPS National Instruction 1 (2015) that defines the role of the first responder to a crime scene. There is, furthermore, a grey area in the instruction on who should investigate crime scenes in that CSC officials end up having to process burglary crime scenes on their own and also collect exhibits at these crime scenes. Franklin (2020:1) avers that the burglary case is normally attended by the responding officers whose mandate is to assess crime scene, evaluate and propose recommendations in respect of the needs of the investigation. In this regard the first responder might summon the crime scene technician to physically process the evidence depending on the outcome of the initial assessment of the crime scene.

This is typically the case especially when members from the CSC make an arrest at the burglary scene. These scenes are often not immediately attended to by the local detectives because they are often not regarded as serious crimes and due to a large case load. Documentation of the scene itself and the collection of physical evidence are important aspects of burglary scene investigation and must be properly performed. The completion of these tasks at the burglary scene is essential in maintaining the integrity of physical evidence and providing the outcome of the investigation. One of the most important role-players at the crime scene is the investigating officer (IO) who is the principal of a case. The investigating officer must arrive at the crime scene as soon as possible to ensure that the crime scene is protected, that nobody who is not directly involved in the investigation is allowed access and to prevent any possible tampering or contamination of the crime scene (Gehl & Plecas, 2019:108).

For the purpose of this study, the words CSC official and first responder will be used interchangeably to mean the first SAPS uniformed police officer to arrive at the burglary scene. In this study the context of a preliminary investigation means the actions of CSC

officials as first responders to identify the boundaries of the burglary scene, deal with all persons appropriately at the scene, to document all information regarding the burglary scene, to control, protect, preserve and safeguard the burglary scene until the scene and persons are handed over to an investigator (SAPS 2015).

Preliminary investigation commences from the time the police respond to a call reporting a crime. The initial investigation would further undertake the on-site assessment and detailed information regarding witnesses and the first responder's observation at the scene. It is the first responder's responsibility to determine the occurrence of crime, search for physical evidence, find out and apprehend the person who committed the crime. The more information and evidence that can be obtained after a crime has been committed the better the chance of identifying the person responsible and successfully prosecuting the case (Palmioto, 2013:14). The researcher believes that the problem of seemingly little or no knowledge and skills in preliminary investigation is not limited to where the researcher is stationed. The importance of processing a crime scene and the ability of first responders during the preliminary investigations is supported in Thibault, Lynch and McBride (1995:154), averred that it would be difficult to arrest and solve cases in the event of the first responders being unable to utilise preliminary investigation skills.

Van der Watt (2015:161) enlightens that accuracy is vital in the preliminary investigation in order to avoid any discrepancies that will jeopardise the entire investigation due to negligence or ignorance. The researcher observed detectives when they arrived at a burglary scene that was not properly managed by the first responders, on many times running around looking for CSC officials accusing them for obtaining poor preliminary information and evidence, failure to write arrest statements, to retake or rewrite statements or contaminating crime scene. They would usually complain that the case would be withdrawn, not be solved and offenders would be released if they are not willing to rectify their mistakes as first responders. The SAPS investigators would also complain that they will not be able to conduct a proper and meaningful investigation due to poor preliminary crime scene investigation by CSC officials. Preliminary investigation skills are significant for the first responder's ability to arrest the perpetrators and ultimately solving the cases.



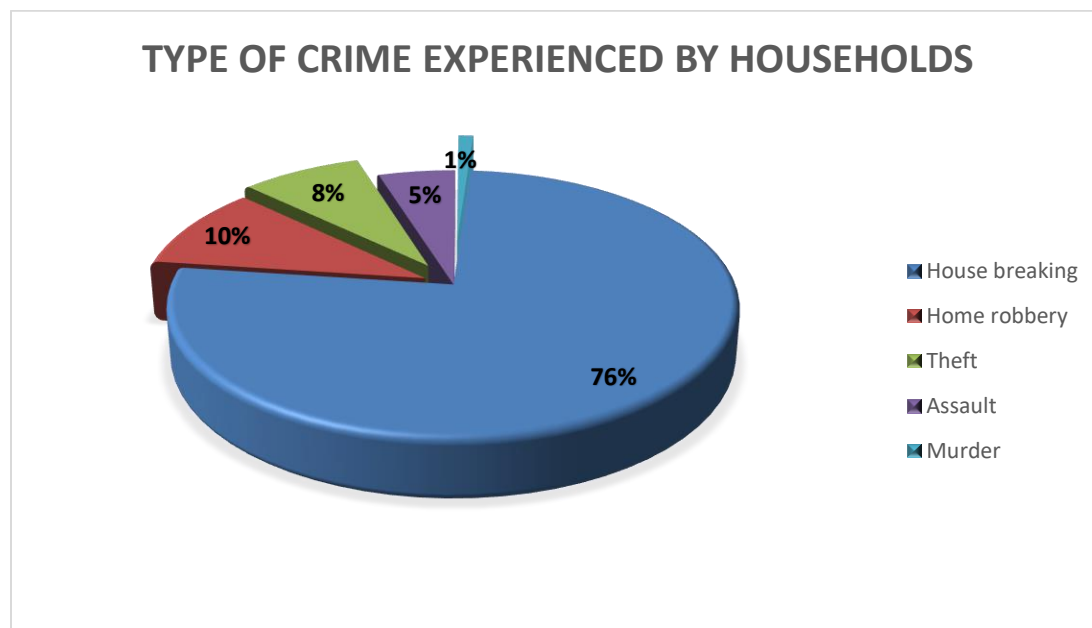
The police officials dispatched to attend a complaint are in the best position to obtain preliminary information and evidence about a crime. This information can be captured as the first responder's report but in practice members of visible policing have to attend on their own to minor crime scenes. CSC officials must therefore know and understand the elements of each crime and what evidence will prove them. The lack of knowledge and skills to conduct preliminary investigation by the police in the CSC has a potential to compromise the outcome of the criminal case in that, the poorly obtained preliminary information contributes to non-conviction of the perpetrators. SAPS usually entrust the CSC officials with such a critical responsibility of preliminary investigation that amongst others includes interviewing complainants, victims and witnesses; interrogation and apprehending suspects at the scene of crime; searching the scene itself; recognising and gathering evidence, to summon various crime scene experts; to secure the crime scene and opening case docket as part of preliminary investigation (SAPS 2015).

The most critical phase in the majority of criminal investigations is the preliminary investigation (Hess & Wroblewski, 2006:319). Every scene of crime has a victim, witness and a complainant which in most instances are essential sources of information about an incident (Van Graan & Budhram, 2015:49). Van der Watt (2015:161) similarly points out that processing of the crime scene is the most important part of investigation. The first responder is mandated to prioritise the safety of the crime scene by limiting access, protecting physical evidence, identifying witnesses and any other person who is at the scene. It is also the task of the responding officer to immediately document all the activities or incidents observed and also keep such a document permanently preserved as a part of the case record (Girard, 2018:03).

Burglary has consistently been the most common crime experienced by households in the Republic South Africa (RSA). The number of household that experienced burglary in the five years preceding 2019/20 has increased from 2,1million in 2015/16 to 2, 3 million in 2019/20. While the number of households that experienced burglary was down by 17 % in 2020/21 from the previous year, the decline was attributed to the covid19 pandemic which compelled the government to implement strict lock down measures (Statistics South Africa, 2021). Burglary involves someone entering somebody's premises

unlawfully with the intention of committing crime such as theft or stealing (Dutelle & Becker, 2019:228).

Figure 1.1 shows that burglary has consistently been the crime most commonly experienced by South African households at 76 % during the 2020/2021 financial year (Statistics South African, 2021).



**Figure 1.1: Percentage distribution of type of crime experienced by households in the 12 months preceding the survey, 2020/21**

Source: Statistics South Africa, 2022

In Figure 1.1, the majority of crime in percentages experienced during 2020/21 was: housebreaking (76%), followed by home robbery (10%), theft (8%), assault (5%), with murder (1%) as the least committed crime. In this regard, the principle of following the correct procedure at the burglary scene should therefore be adhered to by all police officials especially CSC officials because in most instances, they are the first to arrive at the burglary scenes. Since following the correct procedure at the burglary scene can affect the entire investigation; it is of cardinal importance that all police officials are familiar with the procedure to be followed at burglary scenes especially CSC officials as first responders (Van der Watt, 2016: 165).

A crime scene is usually a very rich source of evidence. According Joubert (2013:43) the prosecutor is reliant on information in the docket to decide whether or not to prosecute. The docket ought to have all the evidential facts that are regarded as significant to the case, including those found at the crime scene. Even evidence that might be declared inadmissible in court that was discovered at the crime scene must be included in the docket in order to give the prosecutor a complete picture of the case. The successful prosecution of cases depends on the quality, accuracy and thoroughness of the crime investigation to uncover all available evidence. It is therefore important for the first responders to act in an organised and systemic manner to ensure they identify all possible evidence and maintain the safeguarding of the burglary scene. An understanding of the investigation process will help and guide first responders to execute their duties more effectively when they arrive at the scene (Van der Watt, 2015:165).

The assertion by Palmiotto (2013:15) that initial investigation at the crime scene is the most significant part of the criminal investigations, addresses the research objectives in this study that seeks to determine the correct preliminary investigation at the burglary scene. In most cases the first person to arrive at the crime scene is the patrol officer, whose initial investigation has an effect on the progress of the case within the criminal justice. It is crucial for the police to arrive on time at the crime scene in order to cordon-off the area and secure physical evidence, which prevents the destruction and contamination of evidence. Any delay could lead to witnesses departing from the scene and sharing views on the incident, or even change their versions of the committed crime (Palmiotto, 2013:04).

The more information and evidence are obtained immediately after a crime has been committed, the better the chances of identifying the person responsible and successfully prosecuting the case (Hess & Wroblewski, 2006:181).

### **1.3. RESEARCH PURPOSE**

The purpose of the research provides details of the researcher's intention concerning what is to be learnt through the research project (Denscombe, 2012:49). A research purpose drives the decision to engage in a research task and it is instrumental in selecting

the designs suitable for the research. This research will employ three useful purposes of research mostly used in research projects, namely exploration, description and explanation (Babbie, 2014:94).

The research will explore, determine and evaluate to what extent the CSC personnel are familiar with the roles and duties of first responders at burglary scenes. This will be done in the form of describing what crime preliminary investigation is, determining the causes of poor preliminary investigation and explain the legal principles applied to conduct preliminary investigation at the burglary scene.

The primary goal of investigation is to search for the truth by means of identification and collection of the objective and subjective evidence (Van Rooyen, 2013:174). It is therefore of utmost important that CSC officials understand the preliminary investigation process, act in an organised and professional manner and follow the correct procedure at the burglary scene.

### **1.3.1 Research aim**

Denscombe (2012:50) asserted that the aim of the research is to direct the study in accordance with its reach and scale. In addition, the aim of a study should be defined in clear terms that are also achievable and not confusing.

- The aim of the research is to evaluate preliminary investigation at the burglary scenes by first responders (SAPS police officials placed in the CSC) of Witbank cluster visible policing.

The researcher aims to identify the relevant information on best practices pertaining preliminary investigation of burglary scene by first responders, to determine shortcomings in current preliminary investigations and to make this information available with recommendations to enable first responders to do more successful preliminary investigation.

### **1.3.2 Research objectives**

Research objectives are the clearly defined descriptions of the process that is intended to translate the research questions according to the basic intentions of the study (Denscombe, 2012:82).

Kumar (2019:91) states that objectives serve as a direction or specific set of goals in a study. Since these objectives inform the reader of what you want to achieve in the study, it is extremely important to word them clearly and specifically. The objectives of the research are as follows:

- To examine the understanding of preliminary investigation by members placed in the South African Police Service (SAPS) CSC at the stations in the Witbank cluster.
- To determine the principles governing preliminary investigation at the crime scene.
- To explore the application of preliminary investigation by members placed in the South African Police Service (SAPS) CSC at the stations in the Witbank cluster.
- To determine what the best practices are with regard to the preliminary crime scene investigation by first responders that emanate from their responsibilities as first responders at the burglary scene.
- To make feasible recommendations on how members stationed at the CSC in the Witbank cluster can improve on effective preliminary investigation at burglary scenes.

The term, 'purpose' is about doing something while mindful of the result to be achieved ultimately (Denscombe, 2010:17). The purpose of activity automatically directs attention to the outcome of the action and the way it relates to the activity in question.

### **1.4. DEFINITION OF KEY TERMS**

It is necessary to define concept in a study in order to better understand the entire discussion of a particular study (Leedy & Ormrod, 2013:43-44). It may not be helpful to read a term which is not clearly understood by the reader.

### **1.4.1 Chain of custody**

Chain of custody is a written document “statement” of each person who handled a piece of evidence from its site of origin to its final storage destination. It links the piece of evidence to a produced report regarding evidence, how and where it is stored and its location prior to the evidence being heard in court (Bucholtz, 2015:63).

Furthermore, Singh (2021:643) regards chain of custody as the paper trail or forensic link of every piece of evidence to individuals who were at some point in control of such evidence. The document’s contents should include a detailed description of physical evidence collected during investigation in order to be presented in court. Chain of custody demonstrates the condition of evidence and the place where it was found in order to prove that it was properly handled throughout the investigation. Therefore, the chain of custody is critical in the presentation of admissible evidence in the court of law.

Fish et al (2015:23) added that chain of custody is the documentation of forensic evidence of a criminal investigation where the investigator writes down chronologically detailed procedures or steps taken during the identification, collection and preservation of evidence in the early and concluding stages of the investigation. It paints a picture of how, who and where the forensic evidence was found and also plays a critical role in the admissibility of the evidence in the court proceedings.

### **1.4.2 Crime scene**

Duttele (2017:12) defined crime scene as any place where crime has occurred, based on evidence that may help to explain the events related to the crime.

A crime scene is a place where a crime has been committed or assumed to have been committed. For instance, in a murder case, there are several places that could be associated with the crime scene such as: the initial place where the victim was attacked, the place where murder is assumed to have taken place or where the victim’s body and murder weapon were discovered or disposed (Brandl, 2018:20).

Crime scene is defined as the location where a crime has occurred (LeMay, 2017:01). He further elaborated that crime scene may also be any subsequent location that contains evidence of the crime.

### **1.4.3 Criminal investigation**

Benson, Jones and Horne (2015:19) define a criminal investigation as a method which is utilised to study crime with the aim of apprehending and prosecuting the perpetrators. As such, it is a process of thorough examination and analysis that includes systematic reasoning and objective thinking, all of which are helpful in searching for the truth relating to any form of crime or unlawful act.

For Hess, Orthmann and Lim Cho (2017:08), it is a systematic process where a criminal investigator prepares and collects all evidence, obtains detailed information concerning criminal case, determines the motives and ultimately identifies the criminals and victims. Brandl (2020:34) further asserts that the goal of a criminal investigation is to extract detailed information about a criminal case in a manner that enables the investigating officer to achieve a particular objective.

## **1.5. STUDY SIGNIFICANCE.**

The study will be able to diagnose and make recommendations regarding ineffective investigation and adherence to the duties of first responders during the preliminary investigation at burglary scenes by first responders of the CSC in the Witbank cluster. This will ensure that SAPS have better information on how first responders attend to the preliminary investigation at burglary scenes which include securing the crime scene, preserving evidence, interviewing of victims, witnesses, arresting and interrogation of suspects and a search of the scene itself etc.

An informed understanding of preliminary investigation will also help and guide CSC officials to execute their duties more effectively when they arrive at the burglary scenes. This will in turn benefit the whole society since defence lawyers won't find any discrepancies to render evidence inadmissible or win cases on technicalities. This will also help to reduce the number of civil liabilities against SAPS that has increased exponentially in recent years as a result of hasty decisions in the heat of the moment by the police that infringe on the rights of citizens such as unlawful arrest and detention, physical or psychological harm, impairment of dignity etcetera (DSC Attorneys, 2019).

It is necessary to conduct the research to explore the understanding of the importance of conducting of preliminary investigation at burglary scene by SAPS police officials placed in the CSC; including their knowledge and application of the SAPS National Instruction 1 (2015) on the SAPS first responder's duties at a crime scene.

The findings of this study have the potential to highlight the probable causes of seemingly poor preliminary investigations by the SAPS police officials in the CSC and offer recommendations that could practically be applied to improve the preliminary investigations by the SAPS police officials in the CSC. If this study is not conducted, there is the likelihood that the investigators will continue not be able to conduct a proper and meaningful investigation, the prosecutors will continue not be able to secure a conviction of the perpetrators and the courts will release the perpetrators without facing the consequences of their actions. It also means that non-compliance of the SAPS National Instruction 1 (2015) on the duties of the first responder will continue not to be adhered to.

## **1.6. LIMITATIONS OF THE STUDY**

The study was conducted from the SAPS perspective; the researcher used purposive sampling to ensure that each sub-group (CSC officials, detectives, Local Criminal Record Centre members and NPA prosecutors) selected was involved, exposed to or dealt with matters relating to preliminary investigation in their capacity and were also able to answer research questions relating to the topic. Most of sample A (CSC participants) were reluctant to participate but when they saw a letter of permission to conduct research signed by SAPS Mpumalanga provincial commissioner they became at ease and agreed



to participate (see annexure B). One of the participant's during the interview process asked again if their names will be withheld because he considered the answers he was providing to the researcher sensitive but he was assured that they will remain anonymous. Some CSC participants were hoping that the researcher is acting on behalf of SAPS and expected changes sooner; they struggled to understand that it was academic research. Furthermore, appointments were made with the NPA prosecutors but due to their busy schedule relating to prosecuting duties sometimes the researcher had to wait for them. It was also a challenge when the prosecutors were moved from one magistrate court to another due to reasons unknown to the researcher. The researcher had to make new appointments and return to the same magistrate court to interview another prosecutor who had just been placed there from another magistrate court. The researcher used semi-structured interviews with participants and despite these challenges; he collected sufficient data from 38 participants.

## **1.7. SUMMARY**

The most critical phase in the majority of criminal investigations is the preliminary investigation. The problem of lack of knowledge and skills to conduct preliminary investigation at burglary scenes by CSC officials as first responders is contextualised. The key terms are clearly defined. The purpose of the study is also worded clearly and specifically. The significance of conducting of preliminary investigation at burglary scene by SAPS police officials placed in the CSC is highlighted. The limitations of the study are also sketched. Understanding of preliminary investigation by CSC officials as first responders to burglary scenes will benefit everyone including SAPS in particular because it will reduce the number of civil liabilities and increase conviction rate. Scene assessment, scene walk-through, documentation, scene processing, contamination control and preventing cross-contamination at single or multiple scenes and handling of physical evidence as one of the most important factors of investigation will be discussed in the next chapter. The value of ethical behaviour at the burglary scene will also be discussed. Relevant legislations and regulations that empower SAPS CSC officials to conduct preliminary investigations will also be addressed. Many different forms of evidence will be encountered in chapter two.

## **CHAPTER TWO**

### **THE REGULATORY FRAMEWORK REGARDING FIRST RESPONSES TO BURGLARY SCENE**

#### **2.1. INTRODUCTION**

It is extremely important that first responders understand crime scene management and evidence management as part of preliminary investigation to be able to elaborate and give detailed information based on the occurrence at the scene in order to give clarity in the court of law. It is therefore important to speedily collect all evidence at the crime scene without delay before it is contaminated so as to be able to identify the suspect and get witnesses to successfully complete investigation and assist the court to come up with a fair verdict. One of the most important parts of investigation is the identification, collection and securing every piece of evidence from the scene by establishing chain of evidence. Establishing and maintaining the correct chain of custody is also extremely important in determining a verdict by the court because if there is a broken chain of evidence or loopholes, such evidence will be inadmissible in court and thereby affect the court's decision. The police are mandated to adhere to the rules and procedures of handling, preserving, collection, storing and transfer of evidence.

It is important that CSC officials practice the protocols of crime scene management on burglary crime scene. Learning and integrating these skills of managing crime scenes and evidence into daily practice will make it a normal or routine procedure and habit in the operation of CSC officials as first responders.

#### **2.2. LITERATURE**

Kumar (2019:54) stated that literature review is the process of searching the existing literature relating to the research problem to develop theoretical and conceptual frameworks for the study and to integrate the research findings with what the literature says about them. It places the study in perspective to what others have investigated about the issues. Furthermore, the author mentioned that clarifying on the problem of research is one of the methods utilised in the literature review, also identifying the need for further

research as well as improving and broadening knowledge base in the research area. Literature review is the demonstration of the study's relevance through responding to questions arising from evaluation of what has been done, and how the current research aims would elaborate on the missing links in strengthening the current study.

The researcher reviewed national and international literature that focused on the topics pertaining preliminary investigation and found adequate information. There is a sufficient volume of information available on preliminary investigations by first responders to conduct this study. The researcher could, however, not find recent literature sources on the exact research topic in a South African context that is specific to the SAPS and CSC members conducting a preliminary investigation at burglary scenes in particular. Moreover, statistics shows that burglary has consistently been the most common crime experienced by households in the Republic of South Africa. According to Statistics South Africa (2021) burglary accounts for 76 % of the household crimes. The literature studied provides some information useful for this study, and relates to the objectives and research questions in this study.

### **2.3. ETHICAL BEHAVIOUR AT THE BURGLARY SCENE**

Lochner and Zinn (2015:4) emphasised that it is imperative to adhere to the rules and policies at all times including the police. In this regard, everybody taking part in the investigation process should respect the law and always be in line with the rules and regulations stipulated by SAPS. In these proceedings, ethical behaviour is to reinforce and not to lower the standard of the enforcement. CSC officials need to understand that as much as there might be some changes pertaining to law but ethical behaviour would remain unchanged due to its norms and values. Professional integrity and ethics are crucial at the burglary scenes. Dutelle (2022:36) refers to ethics as the study of moral standards and the conduct's effect.

Lochner and Zinn (2015:03) further mentioned that it is the responsibility of the police to keep the evidence at the crime scene in the same original state without being moved or tampered to prevent contamination or misguided conclusions. Furthermore, the police are not allowed to collect evidence without a warrant, make false statement to incriminate suspects or avoid and ignore critical evidence at the scene with deliberate intent. In that regard, it is the duty of the police to report any wrong doing by the colleague, subordinate or superior. CSC officials as well as other criminal law enforcement become entangled on ethical issues all the time. Therefore, it is important for the police officials to adhere to ethical issues with caution and integrity, without fear or favour. The South African media has also reported on disturbing incidents of unethical behaviour and this cast a shadow on the credibility of honest and hard-working CSC officials because the public paint everybody in the SAPS with the same brush.

A case in point is that of *S v Pistorius* (CC113/2013) [2014] ZAGPPHC 793 (12 September 2014) where Mr Oscar Pistorius legal representatives questioned the police conduct during a bail application by arguing that crucial evidence was tampered at the scene. The defence pointed out several errors by the police including handling of the suspected murder weapon by the police without gloves, police officer walking the scene without protective footwear or protective shoe covers and stealing an expensive watch from the house. The defence pointed out all these contaminations in a bid to support their argument that preliminary investigation was bungled (Peck, 2014)<sup>1</sup>. The courts imposed the obligations on the state to act ethically in *S v Chogugudza* 1996 (1) SACR 477 (ZS) and in *R v Riekert* 1954 (4) SA 254 (SWA). In these cases, the court found that the lack of honesty and integrity had contributed to the public's distrust of the states (NPA, 2004).

The recent Senzo Meyiwa murder trial relating to a criminal case registered in accordance with Vosloorus SAPS Crime Administration System (CAS) number: 636/10/2014 again also brought the SAPS members performance on the spot light. SAPS forensic expert or crime scene technician holding the rank of Sergeant (Sgt) conceded while testifying as a witness in Pretoria high court that he only took pictures and collected evidence at the

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<sup>1</sup> Oscar Pistorius was initially found guilty and convicted of culpable homicide in 2014 but after several appeals he was finally sentenced to 13 years and five months in prison for murder in 2017. He was released on parole in January 2024.

scene based on the instructions he received from his superior with the rank of Brigadier who had no experience in forensic investigation (Koko, 2022). The forensic expert mentioned above obeyed his superior's 'Brigadier' orders despite section 199 (6) of the Constitution of the Republic, 1996 (Act 108 of 1996) which unequivocally states that a manifestly illegal order may be disobeyed. This provision was enacted in reaction to the defence raised by many apartheid national security operatives who claimed that they were merely following orders. It is therefore important that SAPS members including CSC officials act ethically and guard against being coerced or seduced by unscrupulous individuals including their superiors at burglary scenes (Lochner & Zinn, 2015:03).

Lochner, Horne and Zinn (2020:14) asserted that acting ethically and with integrity creates trust in the community and ensures that the police or investigators will be able to prevent or combat unethical practice and conduct full investigation. There are many reasons for unethical conduct, and research has found that pressure on the police to make more arrests is a powerful factor. Gilberts as quoted by Lochner, Horne and Zinn (2020:14) lists the following reasons for unethical conduct:

- Eager to make an arrest,
- Conducting an investigation with the aim of having someone suspended from his or her job at any cost,
- Conducting an investigation with the sole purpose of sowing suspicion against a person,
- Influence of supervisors, colleagues and counterparts and,
- An attitude of 'the end justifies the means.'

Unethical conduct also takes the form of fabrication of evidence, proof and exhibits, illegal traps and misconduct during interrogation of suspects. Police officials who allow themselves to be influenced by the behaviours of their superiors, peers and subordinates to take part in criminal activities are themselves behaving in an unethical way. Police must not take part in the arrest of a person who is suspected, without any evidence of a crime strongly disapproved by the community (Lochner, Horne & Zinn, 2020:14).

## **2.4. CRIME SCENE MANAGEMENT AS PART OF PRELIMINARY INVESTIGATION**

It came to the attention of SAPS management that incidents of poor conduct on the crime scene by members of SAPS, specifically first responders or members who are dispatched to crime scenes first are hampering effective police investigation. In this regard, SAPS as an organisation introduced and promulgated SAPS NI 1 of 2015 in order to enhance and strengthen crime scene management by properly managing, documenting, investigating and controlling valuable evidence obtained from the crime scene with integrity. Therefore, it is imperative for CSC officials to familiarise themselves and adhere to the rules and regulations as stipulated in crime scene management NI 1 of 2015 and be able to utilise that in any type of crime scene (SAPS, 2015).

Attending the burglary scene is the first and the most crucial step of burglary investigation. Traditionally, the management of the scene starts when CSC official responding to a call arrives at the burglary scene. The responding officer "CSC official" determines the status of the scene and subsequently decides if a crime has occurred or not, if he or she believes that a burglary was committed, the CSC official decides on the necessity to have that scene to be further processed. Investigation starts at the scene. It is a place where clues and evidence are found that will steer the investigation forward. The safety and the physical wellbeing of the police and other individuals in and around the crime scene are the initial responding officer's first priority (Lochner & Zinn, 2015:11).

Farajiha *et al*, 2016:21 further elucidated the significance of crime scene investigation given the existence of the material evidence at it which may assist in the tracing and apprehending of the perpetrators and also exonerate those who are innocent. As such identified evidence and other information pertaining to the occurrence of the crime should be safeguarded to ensure its admissibility in court. The aim of crime scene investigation is to identify the cause of crime, collect all evidence pertaining to the crime, get information from available witnesses, individualisation of the suspects and documenting details of the crime scene so as to be able to present all facts in a court of law.

The mandate to investigate crime in RSA vests in the SAPS because it is the statutory duty of the police to investigate crime in terms of section 205 (3) (d) of the Constitution of the Republic (Act 108 of 1996) to (i) prevent, combat and investigate crime (ii) uphold and enforce the law (iii) protect and secure the inhabitants of country and their property, (iv) maintain public order (Lochner, Horne & Zinn, 2020:4). In a country like South African that is governed by democracy, policing has to abide by the democratic rights, constitutional rights as well as legal and regulatory framework guide on how to operate. It is imperative for the police to know and understand their mandate in the society to ensure peace and security. Constant application of the law is vital to prevent unnecessary unlawful arrest and to serve the inhabitants of the country with dignity. Police officers will at all times combat crime, the fact that the country is democratic and has the constitution does not prevent the law enforcement to prevent crime and protects citizens. The police are also protected by the constitution as well as the human rights against abusive citizens. There are rules that govern the use of force in situations where SAPS members are in danger or life threatening or one is mandated to achieve a certain goal that can be valuable. In this regard, the use of force should not be an evaluation of the citizen's rights as protected in the bill of rights. Policy and guidelines around the use of force must be clearly understood by CSC officials when having to make split second value judgement at the burglary scenes (Civilian Secretariat Police Green Paper in Policing, 2013:17).

It is utmost important that all CSC officials are well acquainted with the powers afforded to them by relevant legislations and limitations applying to those powers. There are two primary pieces of legislations with which all police including CSC officials need to comply with and they are Constitution of the Republic (Act 108 of 1996) and the Criminal Procedure Act 51 of 1977 (Benson, Jones & Horne, 2015:15). SAPS as a government organisation is also legislated in terms of South African Police services (Act 68 of 1995) to provide for the establishment, organisation, regulation and control of South African Police Services and thus all police officials conduct investigations in accordance with the provisions contained in this act. Like any organisation, SAPS is guided by code of conduct for every member including CSC officials concerning moral judgement and standard. Moreover, this code obliges all SAPS members to uphold and to ensure accuracy of testimony, ethical behaviour, professionalism as well as bringing about environment that

is safe and secure for all citizens of South Africa. Furthermore, professional expectations, values and acceptable behaviours are listed by SAPS for the police members to adhere to. All CSC officials are also expected to adhere to these prescribed legislations, regulations and directives (Civilian Secretariat Police Green Paper in Policing, 2013:17).

It is also important that they are familiar with SAPS NI 1 of 2015 so that they can perform their duties to the best of their abilities at burglary scenes. Disregarding legislations and regulations will adversely affect the admissibility of the evidence and the outcome of the investigation. This may even expose CSC official to criminal prosecutions or civil litigation. Human rights must be respected at all the time and the rules of the admissibility of the evidence specifically reference to the Criminal Procedure Act 51 of 1977 must be adhered to because none compliance may lead to a flawed investigation process and the possible loss of the case (Benson, Jones & Horne, 2015:15). Gardner and Krouskup (2019:05) defined evidence as anything that can help to prove or disprove that a crime was or was not committed. In any investigation, evidence presents itself as either testimonial evidence or physical evidence which is inclusive of any documentation that contain the facts that could be produced during dispute in a court of law. Any piece of evidence and document play an important role in assisting the court to come to a decision of guilt or innocence.

Following are the crime scene management rules listed by Lochner and Zinn (2015:11):

- Nothing should be touched or handled with bare hands.
- The position of physical evidence or objects should not be moved.
- One is prohibited from removing or adding anything.

Lochner and Zinn (2015:11) elucidated that it is important to adhere to the rules until such time when the crime scene processing which include identification, documentation, collection and preservation of evidence, measurements and photography has been concluded. It is impossible to restore the removed items back to its original position. Avoidance of contamination as well as shifting of items is mandatory in terms of proper crime scene management. By so doing, these will maintain the integrity of evidence and



exhibits collected at the crime scene and also ensure that such evidence remain in its original form.

## **2.5. CONTROL AND COORDINATION OF THE CRIME SCENE**

Because preliminary investigation procedures are based upon Locard's Exchange Principle, it is of utmost importance to establish scene security so as to avoid unnecessary contamination by nonessential personnel (Barbaro, 2018:16). Baxter (2015:223) emphasized that at some point, some colleagues including high ranking officers have a tendency of entering the crime scene without permission, which might pose a threat to evidence and consequently contaminating the crime scene. The worst situation would be that they are in possession of the evidence when they exit the crime scene.

Crime scene security is vital to the successful management of evidence. Persons at the crime scene should be kept safe from any danger or hazards that can prevail by the first responders who should also summon for emergency assistance as soon as possible. The first responder should cordon the area with immediate effect to establish the parameters of the crime scene to prevent any contaminations, minimise access and loss of crucial evidence at the crime scene. It is imperative to control the entry and exit of all persons as soon as the crime scene is cleared. Furthermore, to maintain order, security as well as crime scene integrity, documentation of events within the scene should always be maintained. Every person entering or exiting the scene should be documented in the entry/exit logbook which will contain date and time of arrival and exit of the first responders as well as any other personnel prior to the establishment of a log. Upon arrival at the crime scene, the first responding officers should record and document the condition in its original form. Furthermore, once the scene has been fully cordoned, all physical evidence should be kept safe and free from being contaminated (Mozayani & Parish-Fisher, 2018: 2).

Girard (2018:4) mentioned that it is the first responder's responsibility that every evidence and incident observed at the crime scene is documented as soon as possible. It is vital to preserve this information and documents to prevent contradiction when the case is presented in the court of law. Documents are preserved electronically as well as in hard

copies as part of investigation. Safeguarding of exhibit for later identification, collection and submission is also extremely important.

Girard (2018:4) further elaborated that the first responder should document the following items:

- Existing condition upon arrival (were the lights on or off? Were doors and windows closed, partially open or fully open? Was the room ransacked?)
- The crime scene's condition, location, people's appearance and physical evidence found on arrival.
- Important contact details of victims, suspects and witnesses.
- Statements of witnesses and victims should be obtained as soon as possible, actions taken against the suspects and other personnel who entered or exited the scene should also be documented.
- Evidence that was removed from its original place should not be taken back; the details of the person who removed or shifted the item should be recorded as well as the reason for such action.

Lochner, Horne and Zinn (2020:54) elucidated that it is important to safeguard the crime scene from the time the first responder arrived because that constitute the beginning of the preliminary investigation which is vital in the success of the investigation which might lead to the apprehension of the suspects and avoid contamination of the evidence at the scene. The delay in the investigation, execution and arresting of the suspect is a drawback which pose a threat to the successful outcome of the investigation. There are factors that contribute to this challenge such as the delay caused by the police to arrive at the crime scene. This delay is very crucial because there might be a possibility that witnesses might decide to leave or it might be impossible to reconstruct the scene because some of physical evidence has been moved from the original place. The delay might also contribute to the following:

- The crime scene may be contaminated and physical evidence may be lost.
- The suspect might take advantage of the situation and disappear without being traced.
- There might be a possibility of destruction or concealment of the evidence.

- The suspect fabricates a credible alibi for his or her whereabouts at the time of the crime.
- Witnesses or victims are wrongly identified.

Lochner, Horne and Zinn (2020:61-62) indicated that there are two important reasons to control the scene; the prevention of crime scene contamination and identifying, documentation and collection of physical evidence whilst still in its original form and the possibility of identifying witnesses. It is the responsibility of the CSC officials to assess the situation in order to decide on the way forward. The actions of the CSC official at the crime scene are vitally important in maintaining the integrity and value of the physical evidence.

SAPS (2015:9-11) indicated that controlling of the crime scene begins with the arrival of the first responder which is usually CSC official, who must act as Crime Scene Commander until the handover to the Crime Scene Commander has been completed and has the preliminary duty to:

- Carry out preliminary evaluation of the scene.
- Deal with emergency such as injured persons, fires or toxic materials.
- Determine if a crime has been committed and should assume the worst.
- Activating relevant role players.
- Preserve the crime scene to prevent contamination and to ensure that the continuity of possession stays intact. This is done by following the correct crime scene management procedures in terms of SAPS NI 1, such as cordoning off the scene, removing bystanders and unauthorised personnel.
- Document the crime scene by first making notes in the notebook and then use other available documenting methods to complete documentation process.
- To give detailed report about the crime scene and actions taken pertaining to the perpetrators and progress report on the case. This report should mainly be given to those with a vested interest in the case.
- Do everything in their power to identify the complainant or the person who reported the crime as they may have valuable information and could provide investigative leads.

- Make extensive inquiries at the crime scene or in the vicinity of the crime scene in order to identify witnesses and to determine who the perpetrators of the crime are.
- Summon assistance to assist in preventing contamination of physical evidence and with the preliminary investigation of the scene.
- Separate complainants and eyewitnesses so that their statements are not influenced by one another.
- Because witnesses cannot be kept against their will, it is important to get their contact details for follow up at a later stage.
- Arrest the suspect as per prescripts.
- Arrange for the suspects to be removed from the crime scene as soon as possible if arrest has been made.
- Separate the suspects to prevent them from colluding on an explanation.
- Secure and investigate any additional crime scene.
- Refrain from moving or even touching any objects at the crime scene.
- Assign each person in attendance with specific duties so as to minimise confusion and duplicate.
- Keep the media out of the crime scene and ensure that no members other than the Crime Scene Examiner take photographs of the scene.

The securing and control of the crime scene, gathering and collection of exhibits, search and seizure of exhibits, utilization of relevant experts and other aides, documenting of relevant information at the crime scene and interviewing complainants, victims, witnesses and suspects are stipulated as Key Performance Areas (KPA) in the Performance Enhancement Plan (PEP) of the CSC officials. CSC officials agree to these responsibilities by signing their PEP documents and their performance is measured or assessed by their commanders based on such KPA's. All these activities are conducted by CSC officials in accordance with the following SAPS Standing Order (Generals) for example, SO (G) 256 (2) and 31 are for handling and interviewing complainants and witnesses, 308 and 342 for interviewing suspects, 252 (2), 309, 323, 332, 336, 333 for securing crime scene and search and seizure of exhibits (South African Police Service).

It is extremely important to cordon the crime scene at all times because they very often yield physical evidence. Sometimes it is possible to overlook an important piece of evidence due to little knowledge but with thorough, experience and acquired skills, the police will be able to retrieve objects and be able to conclude the investigation properly. Once the evidence is identified, it should be collected, documented and preserved. The experienced first responder could be able to retrieve evidence that might have been missed by less learned investigator. In this regard, more suspects might be identified who could be positively linked to the crime and that might result in more convictions. The first responder is the key figure and is the most important person at the crime scene (LeMay, 2017:7).

In order for other stake holders to be able to refer to a particular evidence of a specific crime scene as authentic, the condition of that crime scene should be properly and permanently documented and preserved. Documentation is the most critical and important process for crime scene. From a legal perspective, it is imperative to maintain the chain of custody to prove that there was no altering of evidence prior to analysis. It is important to mention when there was shifting of items from their original locations at the crime scene. However, shifting or moving evidence must be reasonable and justifiable in the criminal justice system. The chain of custody should be maintained at all times and the details of the person initiated and discovered specific exhibit should be included as well as description of the item, their condition, the details of the persons in control of the item from the beginning to the conclusion, including presentation in the court of law (Girard, 2018:6).

## **2.6. UNDERSTANDING THE LOCARD EXCHANGE PRINCIPLE.**

It is important to familiarise with Locard exchange principle, it is helpful to remember when one arrives at the burglary scene and during the initial stages of investigation. In each and every crime scene and on every criminal, traces of evidence should be available. It is important for the police to collect evidence during the initial stages to avoid missing traces and eventually losing the evidence. Hence the identification, collection and preserving perishable evidence is crucial. Sometimes this evidence could disappear or gradually fade which is at times referred to as transient evidence. Furthermore, transient

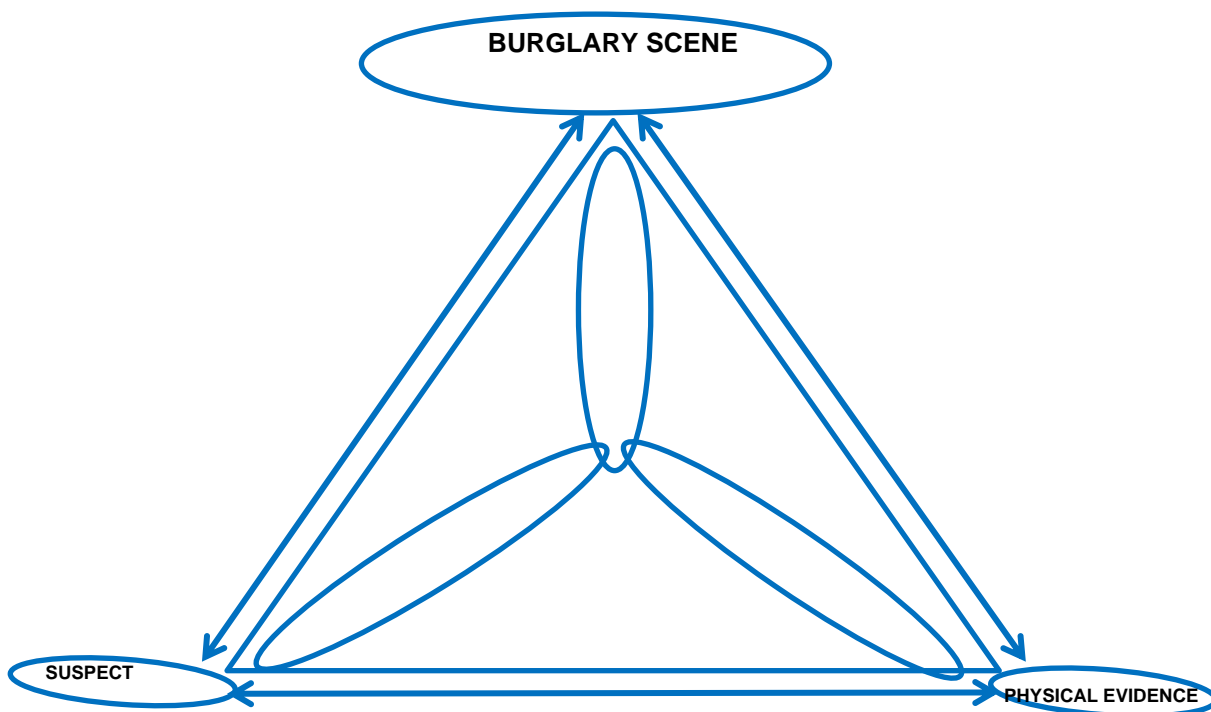
evidence is a type of physical evidence that is found at the crime scene, whose nature or characteristics need to be handled with care to avoid great risk of being destroyed or lose it, if it was not properly identified, photographically documented and preserved as soon as possible (Dutelle, 2022:133).

It is of paramount importance that CSC officials understand the concepts of continuity of possession and the Locard exchange principle. In addition to the Locard exchange principle, a new principle has emerged and it is called Lochner principle, so the researcher believe that it is important that CSC officials are familiar with these two principles since they are usually the first to arrive at the burglary scenes and are required to protect evidence at the burglary scenes. The Locard and Lochner principles can be regarded as the alpha and omega of the crime scene investigation and management. According to Locard and Lochner principle, traces of physical evidence will always be present at the crime scene. Transferring of such traces due to contact of two people or more objects is guaranteed. The crime scene management process identifies and safeguards exhibits till the submission of evidence in a court of law (Lochner & Zinn, 2015:13).

Locard's principle refers to direct physical contact between the individuals and the crime scene and the evidence this leaves behind, while Lochner's principle refers to contact that is not necessarily physical contact by individuals (Lochner, Horne & Zinn, 2020:59). This means that objects (cell phones) unintentionally leave electronic evidence, which may not be at the crime scene. A person may be the instrument through which contact is made, 'for example', a cell phone call. Lochner's principle is applicable to digital and electronic evidence and is the basis of the charting of cell phone technology to place criminals at the scene of crime.

The Locard exchange principle's hypothesis is that two objects or people come into contact with each other which result in cross transfer. The principle is used in crimes whereby the perpetrator has been in contact with the scene. Locard's hypothesis assumes that there is high probability that the perpetrator will bring an object or item into the scene, leave a mark, fingerprints, biological evidence or other objects he was using to commit crime and also leave with some other form of physical evidence from the scene.

In this regard, Locard principle is of the view that it does not happen that the perpetrator commits crime without leaving any trace. This is demonstrated through the direct contact of the person touching or handling an object. For example, when a burglar touches the window, fingerprint marks will be transferred to the window. In the process dust particles will be transferred to the person's finger. The transfer is not limited to the fingerprint mark but includes the possible deposits of oils and perspiration. In some instances, blood can also be transferred to the window. This is called trace evidence. This principle is a theory behind trace evidence examination, which has made a significant and positive contribution to solving crime. Furthermore, Locard's exchange principle indicates that the exchange involves friction that happened at the crime scene between the suspect, the victim and the scene where trace of physical evidence is left on all those who were involved including the scene itself (Lochner, Horne & Zinn, 2020:58).



**Figure 2.1: Locard exchange principle's theory of connection at burglary scene**

Source: Compiled by the researcher.

The triangle above demonstrates linkage or relationship between suspect, physical evidence and burglary scene.

Baxter (2015:222) asserted that the rationale of Locard principle is to indicate that every contact leaves a trace. The author further stated that physical evidence cannot be wrong, perjure itself or be wholly absent but only human failure to find it, study and understand it can diminish its value. Fish *et al*, (2015:23) detailed Locard's theory of exchange which is also referred to as Locard Exchange Principle as follows:

- The perpetrator's traces will be left at the scene.
- The perpetrator will carry away the scene's traces.
- The perpetrator's traces will be left on the victim, who may leave his or her traces on the perpetrator.

Furthermore, Baxter (2015:223) emphasised that it is impossible for a criminal to act, especially considering the intensity of a crime, without leaving a trace of his presence. When two bodies or objects come into contact, they mutually contaminate each other with minute fragments of material. Doctor Edmond Locard who was popularly known as the pioneer of forensic science is credited with recognizing this theory of exchange.

## **2.7. CONTAMINATION OF THE CRIME SCENE**

It is important to swiftly respond to complaints to avoid situations whereby the crime scene might be contaminated due to the delay and unprotected scene. Removal, altering or destruction of evidence are some of the causes of contamination. The effect of contamination at the scene has a negative impact that might cause irreparable damage to the case when it is brought before the court of law (Van der Watt, 2015:164).

Some form of trace could be detected to everybody entering or leaving the crime scene, either through one's clothing, skin, hair, fibres, blood and shoes etcetera. As such, based on the Locard exchange principle, it is also possible for contamination to take place due to contact between items. Furthermore, it is also possible to have cross-contamination, whereby materials are unwittingly transferred from one crime scene to the next. It is therefore extremely important to minimise movement and set boundaries that will prevent contamination. However, in order to prevent such contamination, police investigating the



crime scene should wear protective clothing such as Vac suit, hand gloves, boots, masks, hair net etcetera (Suboch, 2016:104).

In the double murder investigation case of O.J. Simpson of Los Angeles, United States of America (USA), the Los Angeles Police Department (LAPD) detectives on arrival at the scene after being informed of the incident, discovered two bodies that of O.J Simpson's ex-wife and her friend, at the primary scene which was at Bundy drive. When investigated, the scene had biological evidence such as blood and the first suspect was O.J Simpson, based on their gender-based violence which was on record, between the ex-wife and O.J Simpson. It was discovered that LAPD detectives did not wear their protective gear at the primary scene and without changing their shoes proceeded to O.J Simpson's house in Brentwood and still at the secondary scene they did not put their protective gear over their shoes but continued with their investigation. Obviously, there might have been a cross-contamination between Bundy drive and Brentwood house, between the primary and secondary scene, which was highly contested in the court of law. The fact that detectives investigated the crime scene without protective clothing became the centre of the case. Even though the Deoxyribonucleic acid (DNA) of O.J Simpson was found at the crime scene and further investigations show that the knife that was used in the murder of the ex-wife was purchased by OJ Simpson, the jurors felt that the police did not do their job well<sup>2</sup>. In this case, lessons to be learned by every police officer including CSC officials is the importance of treating every crime scene as a major scene as well as the importance of protecting the crime scene to make sure that one minimises any contamination that will affect the way evidence will be presented to the court (Girard, 2018:15).

All evidence within the physical environment of the crime scene is critically important to the investigative process. Loss of continuity and contamination of physical evidence are the most challenging factors in every crime scene. Contamination might have an effect on collected original exhibit or the crime scene. The original evidence could be deleted or diluted by the transfer of unwanted materials which might lead to inconclusive and affect the outcome of the case in the court of law. Furthermore, such unwanted materials might

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<sup>2</sup> O.J. Simpson was acquitted of the murder of his ex-wife Nicole Brown Simpson and her friend Ronald Goldman.

compromise the analysis of the original evidence transfer to the extent that the analysis cannot be accepted in court (Gehl & Plecas, 2019:113).

Gehl and Plecas (2019:113) further explained that contamination can take place in any number of ways including:

- During the period when the first responders and other police officers enter the crime scene during tactical investigative response without protective clothing.
- When the suspect enters the crime scene and removes or misplaces evidence to cover up their actions.
- Victims and witnesses walking around at the crime scene can also contaminate evidence.
- Cross-transfer of evidence by pets like cats and dogs, on the other hand that evidence might be consumed by those pets.
- Natural causes such as weather-related contamination. For example, rain can wash away evidence, snow might dilute and heavy wind could blow away evidence; and
- Crime scene management process not adhered to by the police at the scene results in contamination of exhibits.

While issues of life and death are at risk, the court will accept that some contamination is outside the control of the police. Because it is not possible to completely eliminate on-going contamination, police can seek to control it. Identifying and recording the known contamination is necessary, and even if contamination has taken place, identifying and explaining that contamination may salvage the analysis of the exhibit that have been contaminated. The act of entering the scene, collecting evidence and the process of evidence collection, are forms of contamination. However, the goal in controlling on-going contamination is to avoid damaging the integrity of the scene and its associated exhibits. It is this goal that makes the crime scene management procedures essential to the investigative process (Gehl & Plecas, 2019:113).

Dutelle (2022: 126) elaborated that if evidence is lost through the efforts of saving life, that is referred to as mechanical loss. This is an accepted loss of physical evidence and

it is easily articulated within court. If a life is saved and evidence is lost, that is acceptable. Locard's principle may also come into play during the collection of the evidence. Evidence that is improperly collected and packaged may become cross contaminated during the process. Evidence such as trace evidence may also be lost during the improper packaging and handling procedure. For this reason, care should be exercised during the collection and packaging of the evidence (Baxter, 2015:223).

## **2.8. RECOGNISING AND GATHERING PHYSICAL EVIDENCE AS PART OF PRELIMINARY INVESTIGATION**

It is imperative to recognise, recover and preserve physical evidence found at the crime scene. The aim is to locate and identify potentially relevant evidence and be able to select methods that are appropriate in recovering and preserving the integrity of the evidence which is adequately packaged. The criminal present at the crime scene could be individualised and identified through the collected evidence from the crime scene which play a major role. However, the collection of evidence, protocols and proper techniques, storage and how one handles evidence to the forensic laboratory should be prioritised for downstream testing of materials. It is also possible not to recognise and collect evidence due to shortage of suitable techniques and training. Furthermore, if it happens that the evidence has been collected, it is possible that the correct chain of custody in preserving such evidence was not followed due to lack of knowledge, as such the evidence might be compromised and rendered no value for laboratory procedures and consequently inadmissible in court (Mateen, 2019: 285-287).

Physical evidence is referred by Singh (2021:647) as any item or object found at the crime scene that is tangible which might be presented in the court to prove or disprove the case before the court of law. The following is necessary in the collection of physical evidence in establishing certain facts from the burglary scene:

- To prove that crime has been committed;
- The use of DNA and fingerprint could be utilised to identify the presence of suspects during burglary;
- To be able to identify the suspect;

- Verbal testimony of the witness would be matched with the physical evidence from the crime scene; and
- Innocent person might be acquitted if there is no link with the crime scene or physical evidence;
- The suspect might be positively identified through material evidence.

Furthermore, through analysing physical evidence retrieved from the crime scene, the investigating team might be able to acquire valuable investigative information. Following are the varieties of information outlined by Miller (2018:7), through the analysis of physical evidence:

- Determination of *corpus delicti* (body of crime)- this is to prove if crime has really occurred or not. For example, a broken window may or may not signify a burglary, the window might have broken before burglary;
- *Modus Operandi* (method of operation) identification- A certain similar pattern used by criminals to commit crime. For example, the usage of crowbar to break in or entering premises through roof can assist the police in the identification of the possible suspect.
- Linkage or the Locard's exchange principle- the exchange or cross transfer of material that occur during crime whereby there is a contact between the crime scene and the suspect or suspect and the victim. In every contact a trace is left based on the transfer of material between them.

In most cases, based on the *Modus Operandi (MO)*, especially when there are burglaries, the police are able to concentrate on one suspect rather than on a number of suspects. It is imperative to locate physical evidence which includes fingerprints and DNA at the point of entry in burglary scene. A habitual burglar tends to gain entry in a concealed, easiest, quickest and secured entrance available. The police should be cognizant of the following points of entry at the burglary scenes for physical evidence including DNA, entering the area using windows, doors, sky lights, basement and roofs. Moreover, burglar uses walls to enter and floors in arrears that have interstitial floors. It is very rare for burglars to use gate, but opportunistically when they have noted that the gate opens easily or there are no occupants at that moment, and simulated burglaries occur for

insurance fraud. In areas where there are cameras and electric fence, the police should also check whether there is any tempering, outdoor lights should also be checked whether the bulbs were unscrewed by the burglar to darken the area near point of entry as part of preliminary investigation. Fingerprints and DNA might be found on the cameras and bulbs (Fisher & Fisher, 2012:345-350).

Manamela, Smith and Mokwena (2015:107) explained that the deoxyribonucleic acid (DNA) is found in every cell of the body. Every human being has his/her own unique DNA which is a form of 'code' to identify human beings. As such, forensic investigators are able to link individuals to a crime scene by utilising DNA test to determine whether the material or objects found at the crime scene has any cells that match the suspect. The courts of law accept DNA as evidence brought to them. Following are the materials which can be obtained to conduct the DNA test in order to compare the perpetrator's DNA profile: tools used during burglary, door handles, windows (sills/panes/handles), string/ropes/cables, cigarette butts, sides and rims of drinking vessels (bottles/cans/cups), chewing gum, straws, abandoned clothing (like balaclavas/hat), postal stamps, envelope flaps, friction surfaces etcetera.

It is the responsibility of the investigator to determine the avenues of entrance and exit used by the burglar and the possible location of the forensic evidence. It is the forensic evidence left behind that will allow the investigators to place the suspect at the scene of crime. The same as other tools, burglary tools, like other tools, leave distinctive marks on surfaces when applied with force. Microscopic examination of surface marks and of the face of a suspected tool may convince the court that the tool was the one used into the burglarised premises. Thus, every investigator needs to appreciate what forensic technicians and laboratory scientists do, how they do it, for they are an important part of the investigation team and may make difference between a successful and failed investigation as well as a successful and failed prosecution (Dutelle & Becker, 2019:99-100). Image 2.1 shows the burglary tools usually used by the suspects to break into a building.



**Image 2.1: Burglary tools usually used by the suspects to break into premises**

Source by Fisher & Fisher (2012:349)

Image 2.1 above is an illustration of the burglary tools that are usually used by the suspects to break into the premises. Gehl and Plecas (2019:122) explained that the following factors present several challenges at the crime scene for police officials. Since CSC officials are usually the first to arrive at the burglary scenes, it is therefore extremely important that they take cognisance of these factors:

- It is important to understand that transient evidence might degrade; its life span is short lived. Therefore, CSC officials should as soon as possible record such physical evidence and document it immediately.
- It is not always easy to see physical evidence with the naked eyes, sometimes special chemicals and tools had to be used to be able to see and collect the evidence. In that regard, the CSC officials need to be alert and vigilant at all times. Some evidence might be shielded by other objects in the house. It is also important to arrive at the crime scene on time before physical evidence is contaminated or shifted so that it can be preserved as soon as possible, time frame is important;
- Every item or objects irrespective of size or make is important at the crime scene. Therefore, it is vital that CSC officials enlist the help of Local Criminal Record

Centre (LCRC) members to search for items that may require enhanced examination and analysis at burglary scenes such as latent fingerprint, body fluid or stains *etcetera*

- The size and nature of an item of evidence may make it impossible to seize or preserve. Some exhibits are perishable, transient in nature or impractical to seize or preserve for court. These exhibits can be present to court by way video recording or photographs by LCRC members; and
- It is imperative that LCRC and forensic expert collect physical evidence at the crime scene because of their intensive training on how to handle and preserve evidence. By so doing there will be less speculation and cross- contaminations to such exhibits. The collection of certain evidence can cause cross-contamination to other exhibits.

The United Nations Office on drugs and crime (2013:4) emphasised that properly handled exhibits provide best results which might lead to successful prosecution. Therefore, it is important for the police to take precautionary measures when at the burglary scene to prevent contamination and handle the scene in a manner that will provide objective and reliable information about the incident under investigation.

Singh (2021:644) asserted that physical evidence is every object that can prove beyond reasonable doubt or disprove the occurrence of the crime or link the crime to the suspect. Detailed, systematic manner of searching for physical evidence at the burglary scene is crucial and the police should bear in mind that physical evidence is not always visible or big objects they might also be invisible and only be identified through tests at the laboratory or sophisticated instruments. As such, it is important to collect every piece of evidence found at the scene to be able to do thorough investigation and avoid errors of eliminating crucial evidence. In addition to the more obvious items, it is important to collect potential carriers such as vacuum sweeping, clothing and cutting fingernails. Separate forensic bags should be utilised for different areas, for easy identification of where and when the items were collected. This prevents cross contamination of items as well as further damage that can occur in the collected evidence. Furthermore, the chain of custody should be maintained.

The Constitution of the Republic, 1996, section 35 (5) clearly indicates that it is important to always abide by the Bill of rights, any violation of the human rights during the process of obtaining evidence will be inadmissible in the court of law. The constitutional framework should be maintained and referred to at all times by CSC officials when conducting preliminary investigation. CSC officials are guided by the rule of law, the bill of rights is one of them and under no circumstances should CSC official violate these rights especially when doing preliminary investigation. The basis of the Bill of rights is imperative for every South African; hence every person is afforded the rights to human dignity, life, equality, freedom and security of the person etcetera. However, the provision of the limitation of these rights in section 36 of the Constitution “limitation clause” is reasonable and justifiable. CSC officials or any crime scene investigator who violate the rights in terms of section 35 or misconstrue the provision of 36 of the Constitution may face civil litigation. It is therefore important that all CSC officials and other crime scene investigation team have an operational understanding of section 35 and 36 of the Constitution (South African, 1996).

## **2.9. CHAIN OF CUSTODY**

The chain of custody must be maintained at all times in order to prove that evidence was never tempered and also to ensure the admissibility of such evidence in court. In this regard, chain of custody indicates detailed information of every person who happened to be in contact with evidence. If there are any changes, the person who made those changes, reasons for those changes, date and time pertaining should be noted (Van der Watt, 2015:199). That is also the reason why it is important that CSC officials as first responders complete First Members Report (FMR) because it assists to ensure and maintain the integrity of the crime scene by explaining its appearance on arrival (when first arrived on the scene/observations) including weather, exhibits, windows, doors, lighting, odours and smells etcetera. It is the first responder’s responsibility to take note of the people entering the scene by maintaining the Crime Scene Access Log (CSAL) which will also indicate the reason, date and time for entering or exiting the crime scene, including those present upon arrival (SAPS, 2015). Maintaining a chain of custody is extremely important because for such evidence to be admissible in court, the investigating officer should be able to convince the judge that the exhibit presented in front of him/her



is the same item that was taken from the crime scene. Furthermore, it is imperative for the exhibit to be tracked from the crime scene to the courtroom in order to prove chain of custody (Gehl & Plecas, 2019:114).

In terms of SAPS SO (G) 333 all exhibits which have been seized shall be booked or entered in the SAPS 13 and member who records the exhibits in the SAPS 13 register shall record the reference number of the SAPS 13 concerned in the applicable column on the case docket. SAPS13 is the safe, store room or camp where exhibits are kept in SAPS. If an exhibit is seized and handed in by a member, other than the investigating officer, such member shall make a note of the exhibit seized in the Investigation diary. It further state that whenever a member takes possession of or seizes anything in terms of Chapter 2 of the Criminal Procedure Act, 1977 (Act 51 of 1977) he or she must enter particulars thereof in his or her pocket book. According to SAPS NI 2 of 2002 (search and seizure) compels the member of SAPS to also complete the Property Acknowledgement of Receipt Register (SAPS 13(b) and issue the original SAPS 13 (b) receipt to the person from whom the article or property was seized. The member must hand in such property without delay at the CSC which should be received by the CSC Commander in a form of signature (South African Police Service).

In the case of *S v Kaptein* 1984 (3) SA 316 (CDP) the significance of limiting the handling of physical evidence was demonstrated. The pharmacist was requested to reweigh the dagga which was an exhibit in the case and the outcome was different from the original filed weight of 738 grams, it was discovered in court that dagga instead weighed 745, 5 grams. However, on appeal the court discovered that chain of possession was compromised. The case presented further evidence of confusion caused by improper marking of exhibits and lack of accountability by members of SAPS (Lochner & Zinn, 2015:16).

The integrity and chain of custody of each item of evidence are initially established at its point of collection from a location associated with a crime. For example, the vehicle might be stolen inside the garage at a dwelling place and found in another location, which will be regarded as secondary location which might also provide physical evidence to assist

with the investigation. However, the responsibility, integrity and the admissibility of physical evidence is not solely on the first responders, but all personnel who may come into contact with, handle or collect physical evidence (Mozayani & Parish-Fisher (2018:02).

It is crucial to work together as a team to be able to successfully analyse evidence which requires advanced skills of investigation and the ability to properly process the crime scene. As such, the police should be able to recognise and identify physical evidence because if such evidence is omitted, there won't be evidence to be processed or tested and that is vital, the value of such evidence might be degraded or lost forever. The successful outcome of the case depends on the availability and obtaining of physical evidence from the crime scene (Lee & Pagliaro, 2013:1). Physical evidence is any item or matter obtained from the crime scene that could attest to the commission of the offence by means of linking the incident to the victim or the perpetrator. In this regard, it includes any object which is tangible including trace, transient and biological evidence etcetera (Van Graan & Budhram, 2015:63).

The United Nations Office on Drugs and Crime (2013:4) indicated that it is imperative to maintain the chain of custody to avoid losing the recovered and preserved evidence due to incompetence. The demonstration of every step that has been taken in ensuring that the evidence can be traced from the crime scene to the courtroom is very crucial. It is therefore extremely important to be able to establish scientific proof and credible chain of custody for object to be accepted as exhibit in the judicial proceedings.

## **2.10. ON THE SCENE INTERVIEWS TO OBTAIN DETAILED PRELIMINARY INFORMATION ABOUT BURGLARY**

All criminal investigations begin with an interview with a person who tells or explains what happened. That is one of the reasons why the police officials are dispatched to attend the burglary scene as the normal procedure. In the case of burglary, it will be the home or business that was broken into. The venue where burglary has occurred will in most cases be the starting point of the investigation. In most cases there will be people present when the police arrive at the burglary scene who are very familiar with what happened because they are victims or witnesses of the crime. These witnesses will be the persons who need to be interviewed so that the police can start putting pieces of the puzzle together and begin to understand what happened. Eventually, witnesses will be persons who know the facts, data or information or have a scientific opinion about the crime or some important element related to burglary that will be considered relevant to the court examining the crime. However, witnesses can sometimes be uncooperative or reluctant to talk to the police about what happened for various reasons known to them. The police must therefore create a relationship between themselves and the people who are witnesses so that witnesses will be available when needed (Reilly, 2019:141).

### **2.10.1 *Impromptu* field interview**

Gehl and Plecas (2019:98) emphasized that at the crime scene, it is highly probable that the police would find suspects, victims or witnesses. This often happens when the police arrive at the scene to investigate in order to be able to know exactly what happened. Sometimes it happens that immediate in-depth interviews are not possible. Therefore, it is vital to do the following:

- Immediately cordon the crime scene and interview every person at the scene.
- Classify people identified as witnesses, suspects or victims and get their personal details for future reference;
- Take precautionary measures in placing the persons found at the scene in a safe place to avoid or prevent cross contamination of witnesses' account of event because their testimony is extremely important.

Hess and Wroblewski, (2006:39) suggested that field interview is an informal, spontaneous questioning that occurs without any proper planning to a person who is either suspicious or appears to have information of a matter of interest. Depending on the outcome of the interview, candidates give information that might implicate them and eventually lead to arrest. The spontaneous question would be “what happened here”? Which might be followed by probing questions, which are not detailed but the reason is to get the foundation of the course of the incident, so that the police do not make assumptions based on what is visible to them at first glance. It is the police’s responsibility to relax, be calm and make the person giving information to feel at ease in order to voluntarily give more information of the course of the incident. The version given to the police would assist in developing the scenario of the event. As such, the police will be able to classify the person giving information accordingly, whether as a victim, witness, suspect or uninvolved party such as a passer-by. There is no time for the police to plan for the questions in a preliminary interview at the scene. Consequently, they should demonstrate their priorities in advance so as to obtain enough information during that short period of time. Furthermore, they should be able to locate and identify the suspects. It is advisable to alert other police officers and also broadcast the information which can assist in identifying the suspects (Hess & Wroblewski, 2006:40).

### **2.10.2 Uncooperative witnesses**

Police might find it difficult to communicate with people found on the crime scene for different reasons. Other people do not want to be identified as much as they witnessed the incident, either because of the nature of the incident. Others are aware perpetrators or suspects but because of those peoples’ dangerous criminal behaviours, therefore, they are scared of talking. Language barrier might be another reason, where one is unable to express himself or herself and feels that the information might be distorted. There are people who also had bad previous experience with the police, they fear that when they talk, they might put themselves in a situation whereby they will be subpoenaed as witnesses in the court of law. It is the duty of the police to determine the underlying course as well as the manner of approach to be able to get the reluctant witness to feel comfortable and talk about the incident. It is not advisable for the police to intimidate a

person in the process of getting the information required, because the conversation might escalate into unnecessary legal implications (Dutelle & Becker, 2019:157).

Another inconsiderate trend is when the witnesses or victims refuse to cooperate with the police when they arrive at the scene. The only strategy for the police is to gather as much forensic evidence as possible in relation to the event and to seek charges where sufficient evidence can be found (Gehl & Plecas, 2019:98). Approaching witnesses appropriately, officers will gain their trust and cooperation. Witnesses may then be more willing to provide detailed information about the crime to the officers and later to investigators and prosecutors which in turn will lead to conviction of more criminals. Officers should not use police terminology when interviewing or interrogating people because it will increase the incriminating atmosphere of the questioning. The victims need to feel safe, need to express their emotions and also need to know what comes next after their victimization (Hess & Wroblewski, 2006:43).

### **2.10.3 Interviewing and interrogation techniques**

Dutelle and Becker, (2019:62) defined an interview as a form of orally engaging with witnesses or victims with the aim of eliciting information. On the other hand, Rombouts (2011:137) mentioned that interview occur when a person uses probing questions in order to get information or answers. In almost all investigations human interactions and communication take place in order for the information to be collected. as part of the process of collecting information. Questioning, Interviewing and interrogation are some of techniques utilised by the police to gather information in their investigation. The ability to interview witnesses and suspects is one of the key skills for investigators. As such, the police are able to obtain the necessary information from the witness or victims and are able to convert that information in to evidence in the form of statement. Similarly, it is legal to interrogate a suspect by using probing questions that could lead into getting detailed information from the suspect who appears to be reluctant to talk and responds with scanty response or using avoidance response. Furthermore, the court of law does accept information obtained legally from the suspect during interrogation, even though the suspect does not confess to the crime (Benson, Jones & Horne, 2015:27). According to Dutelle and Becker, (2019:62) interrogation is a controlled, formal questioning of a

suspect in a conducive environment which is conducted in a manner that causes the suspect to eventually tell the truth. Interrogation does not necessarily mean that the police should not adhere to the constitutional rights of the suspect. They should minimize any physical or mental torture that might entice the suspect to give false confession. Understanding the correct processes and legal parameters for interviewing, questioning and interrogation can make the difference between having the suspect's confession accepted as evidence by the court or not (Gehl & Plecas, 2019:126).

The interview is another important type of routine communication used by the police officers. It differs from *impromptu* field inquiry often conducted at the scene in that an interview is the planned questioning of a witness, victim, informant or other person with information related to the offence. The quality of an investigation's interviews could help solve a case and decide on the perpetrator's successful prosecution. Following are the advantages of the interviews' quality: quality interview boost public and victims confidence in the police; time spent testifying in court is reduced and the tax payer's money is saved by minimising the costs of the court and fees utilised to defend the case (litigations); less time will be spent to constantly re-interview and retake statements from victims and witnesses who were poorly interviewed previously by an inexperienced police; investigators might be led to additional suspects, additional victims and the recovery of further evidence.

A quality interview reduces the likelihood of wrongful arrests and improves moral among the police officers. What transpires during the interview must stand up to the scrutiny of the courts and public opinion. In this regard, due process, documenting the procedure and practicing proven, effective techniques is paramount to getting the truth which is the ultimate goal of the investigation. The appropriate interview can be used to achieve all interview objectives, even obtaining truthful confessions that stand up to the scrutiny of the courts (Grimes, 2021:92).

When police officers formally interview suspects, witnesses and victims, their conduct comes under a legal framework designed to ensure two things: forensic usefulness in detecting a crime and legal acceptability of the evidence produced in court. The former is

meant to make the interview questions helpful in establishing if a crime was committed or not, and to identify the offender. The latter is meant to ensure that the information obtained at interview be solicited in a matter that abides by relevant legislation. It also needs to be of sufficient quality to persuade the competent authority to charge the suspect and if the case gets there, to stand up in court (Mason & Rock, 2020: 21).

## **2.11. UTILISATION OF OTHER ROLE PLAYERS BY FIRST RESPONDERS AT A BURGLARY CRIME SCENE**

Miller and Massey (2019:31) indicated that during the initial survey of the scene, it could be determined whether or not specialists are required. All expert assistance can then be established when the first survey of the scene has been concluded. Therefore, the need for assistance by the expert can be undertaken early in the investigation and on the scene that is being investigated. Example of these experts at burglary scenes would include the use of Crime Scene Technicians from LCRC. They are also regulated by the same rules. For that reason, it must be documented that they are present and evidence must be prevented from being lost. The preservation and prevention of alterations to the physical evidence at the scene is paramount.

The technician whose speciality is on crime scene related investigations has advanced training and knowledge in documenting, collecting and preserving of physical evidence. Their additional skills and training include photography, mapping, crime scene processing etcetera. The technicians do not get involved in witness or suspect interrogating or interviewing. Their responsibilities are strictly concerned with crime scene processing and its related physical evidence. Such responsibilities may involve lifting fingerprints, identification and collection of biological and physical evidence and also conducting primer residue tests. Following the documentation, collection and thorough preservation of evidence, the technicians ensures that the evidence collected is then transported to the designated location for booking, where it is officially stored until the appropriate time for analysis and transportation to court (Dutelle, 2014:7).

The prospect of successfully investigating and solving the burglary offence is severely hampered when available experts and aides are not utilised at the burglary scene. Van

der Watt (2015:172) mentioned numerous experts and aides that can be used in all crime scene investigations. The researcher identified some of the experts which are specifically relevant to burglary scene from those mentioned by Van der Watt (2015:172) as provided in Table 2.1.

**Table 2.1: Experts and their purpose in preliminary burglary scene investigation**

| Experts  | Purpose   |
|--|---|
| <b>Fingerprint expert</b>  | Identify, collect and process latent and patent prints (finger, hand, palm, foot and shoeprints). |
| <b>Photographer</b>  | Take pictures of every aspect at the scene that may have evidential value, such as exhibits.      |
| <b>Police sketch artist</b>  | Compile a sketch which resembles the facial features and appearance of the suspect.               |
| <b>Video operator</b>  | Video records the overall appearance of the scene, exhibits and bystanders.                       |
| <b>Expert attached to the different component of the forensic science laboratory</b> | Biology unit: microscopic tests, DNA analysis, hair analysis and biochemical test etcetera.       |

Source: van der Watt (2015:172)

The underutilization of experts in South Africa was identified as a contributing factor in 2012 study into unsolved stranger rape investigations in Port Elizabeth in the Eastern Cape (Van der Watt, 2012:83-84). The study revealed that out of 184 stranger rape dockets closed as undetected, only eight contained proof that fingerprint expert had been used, only five contained proof that photographer had been used and none of 184 dockets contained evidence that sketch artist had been used to compile an identikit. The underutilization of experts at the scene severely hampers any prospects of an arrest being made especially when the perpetrator is unknown.

The use of relevant aides is fundamental to the investigation team or multidisciplinary approach to investigation (Van der Watt, 2015:172). Table 2.2 is an illustration of the range of aides and their purposes in preliminary burglary scene investigation.



**Table 2.2: Aides and their purpose in preliminary burglary scene investigation**

| <b>Aides</b>                       | <b>Purpose</b>  |
|------------------------------------|---|
| <b>Dog handlers</b>                | They are utilized to track suspects.  |
| <b>Informers</b>                   | They assist in gathering and searching of information about the burglar.  |
| <b>Media</b>                       | They assist in providing an important communication with vital information to the community, for example, crime threats and can also assist with tracing of suspect, stolen property and witnesses. |
| <b>Prosecutors</b>                 | Add value to investigative decision making such as the legality of search and seizure.  |
| <b>Vehicle registration office</b> | Provide information on the ownership and address of the vehicle involved in burglary.   |

Source: Van der Watt (2015:172)

The most common experts and aides that are widely used to assist in burglary scene investigation in the South African context are fingerprint experts and photographers from SAPS LCRC, informers, dog handlers (K9 unit) and prosecutors. It is of a distinct advantage for a crime scene investigator to be knowledgeable about the experts who are able to assist in the investigation of burglaries. An expert witness is able to provide a reliable and informed view concerning aspects of a case that is highly technical and specialised, which could also enable the court to arrive at a fair verdict. With the experience of the police officer at the scene, he or she will immediately after surveying the scene discover which experts or aides are needed for assistance (Lochner & Zinn, 2015:58).

## **2.12. SUMMARY**

Critical issues regarding ethical behaviour at the burglary scene, crime scene management, evidence identification, evidence locations, evidence collection, evidence protection, evidence contamination and proper documentation have been discussed in this chapter. Experts and aides and their purpose in preliminary burglary scene investigation were also highlighted. These are the foundation of preliminary burglary investigation and without this foundation of proper evidence practice in place, case will collapse when it comes to court. The significance of Locard exchange principle and Lochner principle were also discussed in this chapter. Chapter three will thoroughly discuss the practices necessary with regard to the preliminary burglary scene investigation by first responders which include systematic and orderly plan on how to approach and collect information at the burglary scene, challenges impeding the effective application of preliminary investigation at the burglary scene etcetera.

## CHAPTER THREE

### THE PRACTICES NECESSARY WITH REGARD TO THE PRELIMINARY BURGLARY SCENE INVESTIGATION BY FIRST RESPONDERS

#### 3.1. INTRODUCTION

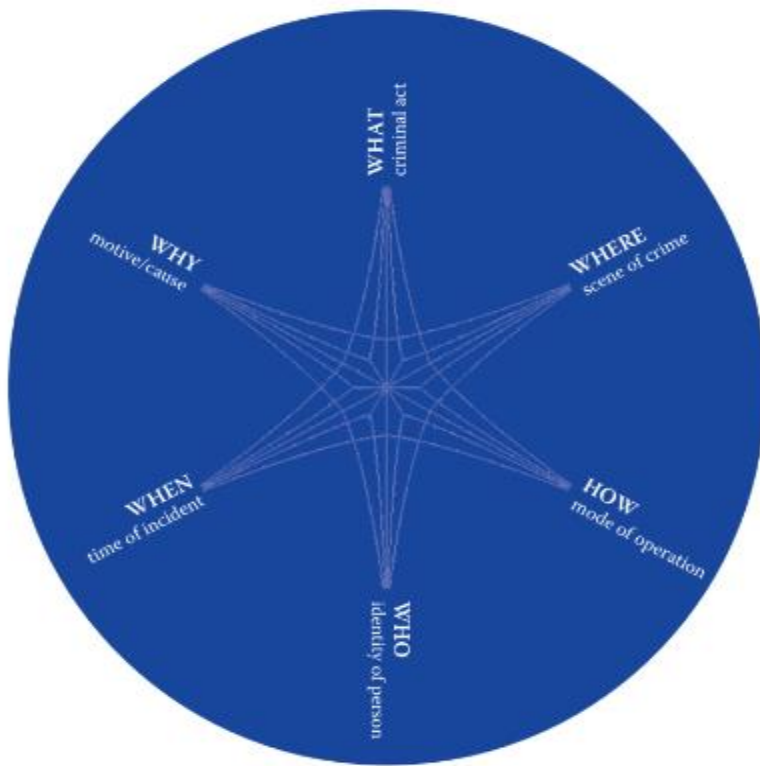
Preliminary investigation is very important in investigations linked to burglary because if the process was done properly, it could provide some clues based on the suspect/perpetrator by identifying them, provide proof or disprove *alibis*, be able to give clues on their *Modus Operandi*, establish *corpus delicti*, creation of linkages; as well as associations among the suspects, evidence and the scene. The reasons for undertaking preliminary investigation are: to recognise, collect and preserve physical evidence, do necessary tests on the physical evidence as soon as possible and be able to reconstruct the scene so as to have a photographic memory of events that occurred. Furthermore, the physical evidence should involve or absolve individuals suspected to be involved or associated with criminal event. On that note, it is important to discover sufficient physical evidence, which will confirm or reject that the crime has occurred and that the alleged criminal was involved in the commission of burglary.

To draw an improved understanding of practices necessary to equip first responders with practices of conducting preliminary investigations at the burglary scene, it is fundamental to understand the following: investigative star for the purpose of preliminary investigation, responsibilities of first responders at the burglary scene, how to process the burglary scene, systematic and orderly plan on how to approach and collect information at the crime scene, challenges impeding the effective application of preliminary investigation at the burglary scene, practical measures to conduct useful preliminary investigation at the scene of burglary, the significance of protecting the burglary scene.

### **3.2. INVESTIGATIVE STAR FOR THE PURPOSE OF PRELIMINARY INVESTIGATION**

The investigative star which is otherwise known as 6Ws in the police field has six points or legs which direct the first responder to gather detailed information at any crime scene. The points are known as six (6) basic questions a first responder should ask when obtaining preliminary investigation; and they are to establish what happened?, where did it take place?, when did it happened?, How did it happened? who was involved?. If all these questions are answered, the investigator will have a clear and fundamental knowledge of the situation (Brainspores, 2014).

Tilstone, Hastrup and Hald (2013: 26) asserted that the basic questions are commonly known as six whiskies (6Ws), which gives the impression that all the questions start with a letter of alphabet namely, W (see figure 3.1 below). However, only 5 questions start with W and one (1) with a letter H (How). The importance of the 6Ws are that they produce information that can impact on one or more of the others, illustrate their mutual dependence and the necessity of visiting the different legs in the forensic processes. The 6Ws tool primarily serves as a framework for developing a more systematic approach to the planning of scene investigation and the process of production and evaluation of hypothesis and interpretations by crime scene investigators. Practically, the 6Ws are an operational tool for carrying out a systematic and thorough search for forensic evidence at the scene. The principle underlying the 6Ws or topics is that each question should elicit a factual answer rather than a simple yes or no. In a forensic context, 6Ws can be considered as a formula for getting the full story when conducting preliminary investigation or presenting criminal cases. Figure 3.1 below depicts how 6Ws can direct the first responders to gather detailed information at burglary scene or elicit factual answers from witnesses.



**Figure 3.1: Investigative stars for preliminary investigation**

Source: Tilstone, Hastrup and Hald (2013: 25).

The researcher believes that CSC officials should be able to utilize the investigative star, otherwise known as 6Ws when conducting preliminary burglary scene investigation because they provide factual answers to each question posed to the victims, witnesses and suspects etcetera. One of the central purposes of preliminary investigation and forensic evidence is to aid in the reconstruction of events and that is to establish what happened. The reconstruction is created by identifying and examining the crime scene and that is where things happened. To tell a meaningful story, the reconstruction will also address the question of how they happened, as well as the identity of the suspect and the victim, that is to establish who was involved in crime and who was culpable for the acts carried out. There will be occasions when being able to provide answers to the question of when something occurred, at what time or in what sequence, will provide important corroboration or exculpatory evidence. Finally, the question of responsibility or culpability involves trying to answer the question of why something occurred and often raises several other questions and leads to problems of facts that have to be established. This implies that a criminal content can be established, which again often rests on the

proper description of the sequence of events, as well as the causality between them and that is what happened, how did it happen and why did it happen? Culpability is just one example of how the questions are intimately connected (Tilstone, Hastrup & Hald, 2013: 26).

### **3.3. SYSTEMATIC AND ORDERLY PLAN ON HOW TO APPROACH AND COLLECT INFORMATION AT THE BURGLARY SCENE**

Van der Watt, (2015:164) asserted that when reporting of the crime commences, it is of the utmost importance that the documentation journey begins simultaneously. Proper documentation of all aspects relating to the crime is of fundamental importance because it will influence decisions making about the approach and assessment of the crime scene.

Prior to entering the burglary scene, a first responder must ensure that he or she has the legal right to do so, because encroaching on people right to privacy by going to the wrong addresses may lead to civil claims. Subsequent to investigative efforts, there might be very strong influence on the actions and inactions of the burglary scene's first responder. It is important to properly secure the crime scene to avoid contamination and hampering of proper investigation due to the physical evidence that may have been shifted. Determining the cause of the incident or the person involved, is imperative. Precautionary measures should be taken to avoid a situation that might compromise health and safety of the personnel involved, which could be caused by improper steps or actions taken at the crime incident (Dutelle, 2022: 126).

Dutelle, (2022:126) asserted that typically, the first responder to the scene is a police officer. The police should be careful and vigilant of any vehicle or person entering or leaving the crime scenes, as well as any person touching or shifting objects at the crime scene so as to avoid contamination and sometimes concealment of evidence. The first responders sometimes have a challenge of controlling their superiors when they arrive at the crime scene. They often do not want to take instructions from their junior officers. If such incidents happen, it is the duty of the first responder to take note, record the incident and report the matter as per hierarchy. Furthermore, it is the responsibility of the police officials to approach the scene cautiously to prevent further damage or harm to potential

victims, witnesses, themselves, as well as other people in the area. Priority should be given to suspects or people in danger, or dangerous circumstances at the scene. In this regard, the first responder should be able to contact Emergency Medical Services (EMS) and guide the medical personnel to the injured persons, so that there is no cross contamination during that process. Furthermore, the first responder should also have details like the registration number of the EMS, the medical personnel, which hospital are they taking the injured persons to, as well as the full details of the injured persons for follow-up.

### **3.4. RESPONSIBILITIES OF FIRST RESPONDERS AT THE BURGLARY SCENE**

The first responders are the police officers who arrived first at the crime scene upon receiving information of the crime which has been committed. It is unfortunate that at most, the first responders are being undermined and denied the opportunity of further training in respect of matters concerned with the scenes of crime. This training might improve their knowledge and ability, and the chance of investigative success. Instead, a lot of attention is given to specialist like forensic experts and detectives who are expected to acknowledge the report given by the first responders who have an in-depth knowledge about the condition of the scene on arrival. The elementary crime scene related knowledge involves the location of the forensic evidence, an understanding of the investigative process which includes but not limited to processing and handling of physical evidence. For example, picking-up the handset (telephone) at the crime scene might diminish the crucial piece of evidence including DNA. Walking comfortably without being vigilant of the surroundings is prohibited. One might trip over a very important piece of evidence unaware and contaminate or compromise it. Therefore, educating first responders about their expectations at the crime scene should be prioritised (Dutelle & Becker, 2019: 67).

Dutelle (2014:8) explained that the components of a criminal investigation complement each other. They are all equally important and support one another. As much as there might be involvement of different personnel but their objectives are the same, as follows:

- It is important to make an assessment whether any commission of crime occurred. In some instances, the police might discover that there is no involvement of crime,

or the incident is a civil case. In this regard, the law enforcement personnel cannot proceed, but have to refer the parties to a relevant department.

- It is recommended to first confirm if the crime has been committed. Thereafter, find out if the offence occurred within your area of jurisdiction. When the crime is reported in the wrong policing precinct, allocation of the docket to the investigator will be delayed because it has to be referred to the correct policing precinct, which might take days.
- All facts about the complaint should be documented and the officer should make sure that he/ she understood the complaint in question.
- Known suspects should be traced and arrested.
- It is important to apprehend the perpetrator and exonerate those who are innocent based on the information at hand including physical and testimonial evidence.
- Chain of custody should be maintained at all times to ensure the admissibility of such evidence in court.
- Account for whatever evidence collected at the crime scene, including appearing in court as a witness and testify on that collected evidence.

The arrival of the first responder at the crime scene is the beginning of the investigative process. The first responder begins the initial stages of investigation by cordoning the crime scene, documentation, secure and preserves physical evidence. In a South African context, this is typically a CSC official who is dispatched to the crime scene or responds to the initial complaint. In the event that the commission of a burglary has been confirmed, it is then the duty of the first responder to analyse the event, document it, and have the associated burglary scene further processed by specialized personnel like crime scene technicians from LCRC. It is the CSC official's responsibility to ensure that the initial response is completed faster and competently. The first responders get a chance of processing the scene properly when they arrived on time at the particular scene. However, the first responder has a duty of his/ her own safety first and to approach the scene in a controlled and safe manner. Every move that takes place at the crime scene has to be in a calm, prompt and deliberate manner. Irrespective of one's rank, the responsibilities and duties of the first responding officer are the same (Dutelle, 2022:125).

While crime scenes are often complex and chaotic situations which lead CSC officials to make spontaneous decision or act on reflex and instinct at the scene, it is important to understand the investigation process so that the first responders could have the guidance in executing their duties upon arrival at the scene. What is decided by the first responder has an impact on the investigation and its completion. The first responder's availability at the crime scene might assist or jeopardise the successful resolution of the crime due to negligence when the presence of the physical evidence is not documented, destroyed or contaminated. This happens because the first responding officers are the first people on the crime scene who have the opportunity to assess the area in its original form. In some cases, it happens that other officials, due to their ingenuity inadvertently change the actual situation of the scene when some of the physical evidence may not be visible. As such, the alteration of the crime scene affects its original condition and could give wrong results or conclusions. Therefore, it is important for officers to do their job accordingly and bear in mind that they are there to serve, protect and solve a problem of crime by linking the crime scene to the victim, the witnesses and ultimately the suspect. Linkage might be difficult when the first responder does not consider the Locard Exchange Principle at the scene. In that regard, it is important for the first responders to have an objective and open mind when approaching the crime scene. The entire investigation could be doomed if there were mistakes made during the preliminary investigation. The original condition of the crime scene depends on the protection, documentation and preservation measures which are performed by the first responders (Miller, 2018:21).

The basic duties of the first responders at the crime scene are summarized by Van der Watt (2015:165) as follows:

- Securing the crime scene by cordoning it off.
- Undertaking a threat analysis, such as hazards that might occur, make arrangement for medical support to take care of any casualties, summon for the support services such as the dog unit, fire brigade, traffic and air wing if necessary.
- Knowledge of the crime that was committed.
- Apprehend suspects who are at the scene, search and apprehend those who escaped or evaded arrest.



- Identify and secure documents, files, witnesses and photographs or video footage etcetera.
- Identify and preserve any physical evidence.
- Prepare and avail the routes, such as entrance and exit of the scene to avoid contamination.
- Detail every movement and have a register of people coming in and out of the crime scene, as well as actions and observations. Furthermore, avoid shifting of evidence.
- Summon forensic experts, LCRC and give detailed report on their arrival based on the observations of the crime scene and analysis.

It is very rare to have an investigator at the crime scene as the first responder. In most cases, the CSC officials usually arrive first at the burglary scene. Investigators depend mostly on the availability of information from the first responders. Nonetheless, the intensity of the investigation is based on the physical evidence and the forensic results, which are able to link the suspect or the perpetrator. However, there might be the possibility of the evidence being unintentionally altered due reflex, instinct or spontaneous decisions at the crime scene by the first responder. Therefore, it is the duty of the investigator to be able to acquire detailed information from the first responder by using his/ her communication skills so that he/ she can be able to know if there was some alteration at the crime scene, which might have happened deliberately or accidentally (Miller & Massey, 2019:17).

### **3.5. PROCESSING THE BURLARY CRIME SCENE**

Girard (2018:14) indicated that it is imperative to recognise the bigger objects that form physical evidence when processing the crime scene. The process begins with first responder and proceeds to the investigating officer and continues to other specialists who might be summoned to the crime scene. In this regard, many of the more obvious pieces of the physical evidence will undoubtedly have been discovered already. According to Franklin (2020:1) securing and processing the crime scene is fundamental. It begins upon arrival of the first responding officer on the crime scene. Priority should be given to safety

of people in, and around the scene, such as the victims, witnesses and others. However, once the first responding officer is confident that nobody is exposed to hazards or needs medical care, his/ her focus shifts to securing and protecting the evidence. As such, an experienced responding officer is able to handle all of this work simultaneously. The secured crime scene gives the investigators the ability to safeguard and control the physical evidence from being lost or destroyed. It also provides an opportunity for investigators to begin the chain of custody.

Crime scene processing is an inherent task and duty associated with most critical investigation, for rarely does one encounter a crime without a crime scene. Crime scene processing is the evaluation and examination of the scene in order to recover physical evidence and documenting the condition of the scene *in situ* upon the first responder's arrival. The end goal of crime scene processing is the collection of the evidence and scene context as pristine a condition as possible. There are six (6) basic steps that crime scene technicians are expected to know and utilise in order to accomplish the crime scene processing. These steps are: assessing, observing, analysing, searching, collecting and documenting. However, all of the above-mentioned steps complement each other and also serve the purpose of capturing the content of the scene without losing its originality (Gardner & Krouskup, 2019:05).

Once the scene is secure, Investigating Officers (IO) together with first responders should conduct preliminary scene survey, which is also known as walk-through. Dutelle, (2017:75) explained that the preliminary crime scene survey purpose is the assessment of logistics and consideration of safety. Through preliminary crime scene survey, the investigating officer is able to get an overview of the entire scene. Furthermore, the officer would be able to protect physical evidence and any threat to the scene's integrity would be identified. The preliminary scene survey could determine the investigative procedures through identification of fragile and valuable evidence, also provides the systematic examination and documentation of the scene. Permanent records of photographs and written documents assist in giving an objective and accurate look at the crime scene in its origin. The availability of the first responder to accompany the investigator is vital and of great help to the investigating officer because he/ she would be able to be clarified

concerning certain aspects of the crime scene The first responder, based on the fact that he/ she is the first person to arrive at the crime scene, has the opportunity of relating the condition upon arrival at the scene. It is very important that detectives are well briefed on the case by the first responders before conducting their examinations of the scene. This ensures that the preliminary scene survey will result in the best gathering of information while minimising scene contamination and destruction of evidence. Until the scene survey is conducted, nothing should have been touched or moved by police unless there was a justifiable reason to move an injured person or conditions were present that necessitated the movement or collection of some evidence in order to best preserve it. The scene survey should be cautiously conducted to avoid contamination at all times (Dutelle, 2022:150).

Miller and Massey, (2019:23) indicated that the investigating officer determines the need for other specialists to be called for assistance at the crime scene. Through preliminary crime scene survey is also time for the crime scene investigators to determine if specialists are necessary. Examples of these experts would include SAPS LCRC members to lift up fingerprints, shoeprint and collect physical evidence including touch DNA and trace evidence at the burglary crime scene. The crime scene investigator, based on his/her discretion and observation of the scene can summon for the assistance of experts at the conclusion of this preliminary survey. Following below is a list of suggested matters to consider while conducting a preliminary scene survey as commended by Dutelle, (2017:75):

- Points of entry and exit are very important and should be located as well as any other routes within the crime scene. Ensure that the movements of the processing personnel are minimised so as to allow the process of collecting physical evidence to take place without any disturbance.
- Check if the doors and windows are locked or unlocked and write down the condition of all the doors and windows. Furthermore, check if there is any evidence or suspicion of forced entry through those points of entry and exit.
- Check the probability of transient evidence at the scene and aides or equipment needed to document, collect and preserve such evidence.

- Based on the first responder process, the investigating officer should make notes of every evidence presented within the scene and properly document, collect and preserve such evidence, as well as the following steps to be taken.
- Observe the climate (indoors and outdoors) and document its condition.
- Check if the lights were on or off, or whether the house was dark or bright, and whether was it daytime or at night.
- Check if there are any unusual odours that may be connected to a particular individual, or odours such as cigarette smoking, perfume or cologne, meal preparation, house tidy or dishevelled, etcetera.
- Locate time indicators through newspapers, food, mail cuttings.
- Respond to 6Ws as they pertain to the scene and the crime in question.
- Crime scene assessment to determine the necessity of specialized personnel, equipment and other logistical concerns.

Ramirez and Parish-Fisher, (2020:37) emphasise the importance of recognising the significance of every item according to its ability potential to assist in the investigation. The main goal of the investigating officer is the establishment of the evidentiary value. However, the prerequisite of successfully solving a criminal case is to properly process the crime scene. Recognising and identifying evidence is very important in investigation. Furthermore, understanding the value associated with the items collected at the scene is important for crime scene personnel as well as the knowledge of processes associated with various types of evidentiary items. Loss of evidence and contamination of evidence normally happen at poorly managed crime scene, which leads to failure to convict and loss of confidence in the court of law.

Class characteristics and individual characteristics are two (2) categories utilised in classifying items of evidence (Ramirez & Parish-Fisher, 2020:37). However, characteristics or traits of items which are not individualised and are unique to a specific group are known as class characteristics such as shoe print left by a female who wore size 8 shoes and hair strands that came from Hispanic male. Such individual characteristics are traits which are unique to a particular item such as the appearance and the location of tears, gouges and cuts in a shoe print left behind at the crime scene,

which match those on the shoe collected from the suspect, are individual characteristics. Through examination, individualisation is established by linking together all the traits or characteristics of a specific item.

Proper crime scene investigation begins with the processing and substantiating that which has occurred. That could be achieved through securing the area that potentially contains evidence; examining and documenting the scene; collecting physical evidence, preserving, package and submitting the evidence to the laboratory for analysis. Recently, courts of law rely more on the evidence of forensic analysis which was collected from the crime scene because it is assumed to be accurate and is an objective approach for final verdicts. Furthermore, crime scene processing is the most important and crucial aspect of active and successful criminal investigations. Forensic evidence on the other hand, is also known as true crime scene investigation which deals with the identification, collection, proper packaging, transport and analysis of evidence material. Based on how the investigation progressed, if it was correctly and properly handled, there would be various unconfirmed evidence found on the crime scene that could become effective forensic evidence (Mateen & Tariq, 2019:285-287).

The researcher outlines some of the examples of cases that occurred in the past whereby lack of expertise and poor handling of evidence at the crime scenes led to negative impact on the final verdict. In this regard, O.J. Simpson's case was on the spotlight because it involved a celebrity couple. During the trial, the jury noted that the crime scene was poorly handled. There were no preservations, investigation was bungled, variety of contamination existed, and there were numerous loop holes, which ultimately produced no conviction. The State prosecutor in O.J. Simpson's case was armed with mountainous files full of evidence, but the defence was able to discredit the evidence based on the unprotected crime, first responders did not wear any protective clothing or gloves, and there was endless cross contamination. Emphasis on lack of proper training further influenced the crime scene processing as well as the outcome of the case. As such, in the case of O.J. Simpson, it was discovered that both the first responder and crime scene supervisor lacked basic training on the technicality of the crime scene. Therefore, the State prosecutor had lost the case on basic and technical skills (Suboch, 2016: 104).

Dutelle (2022:137-150) mentions that other scholars have different views concerning the investigative team's wearing of gloves whilst conducting scene survey. The reason is that, when officials wear gloves, they will be tempted to touch every item found on the crime scene and might shift objects without intending to do so. Hence, the preferred approach when doing investigative survey would be for one to put hands in the pocket and refrain from touching. The other view is to wear gloves inside the crime scene. On the other hand, the above author emphasises that the approach of wearing gloves should be viewed in a manner that affords equal protection to both the officer and the potential evidence items. The investigator would be protected against harmful chemicals or items that may have adverse effects on his/ her body, as well as cross contamination on items on the scene. While it is true that in the walk through, touching of items should be avoided, but that does not mean there would not be any discovery of transient evidence, which might necessitate movement or collection. Gloves could minimise the occurrence of further damage that could take place during contact. Furthermore, 'hands in the pocket approach' is difficult to maintain because the reason for walk-through is to document conditions present throughout the scene. It is evident that investigators would not be able to keep their hands in the pockets because they would still need to do the writing, and identifying of objects, pointing throughout the process. However, it is the best option for every official entering the crime scene to wear gloves. Doing so, minimises evidence contamination.

Van der Watt (2015:181) explained that the investigation process begins as soon as the scene is secured and the integrity is ensured. It is the first responder's responsibility to give update to the Investigating Officers (IO) on standby who arrives at the crime scene. The update should include the process from the first responder's arrival to the time when he/ she hands over to the investigating officer. The update and handover are vital to the investigating officer, he/she will be able to proceed from where the first responder left or summon for specialists as needed. Crime scene should be approached cautiously. One should always consider the following basic principles regarding the crime scene:

- Every opportunity should be utilised by the investigator at that given time. There is no other opportunity to return to the crime scene. Once the investigator concludes

the investigation, he/she would not be able to come back and redo the same investigation.

- Any evidence that was not gathered or recovered at an initial investigation could never be retrieved or collected after the scene has been concluded.
- Neglected evidence at the scene will inevitably lose its integrity due to contamination and may even result in the wrongful arrest of an innocent person.

Dutelle (2022:137) indicated that sometimes a case involves multiple locations or scenes associated with the same criminal case. Typically, the first location where the evidence was collected would be classified as the primary location, which is the area where the first responding officers were referred to, for attending to the complaint. There might be other scenes which are associated to the primary crime scene; they would be referred to as the secondary crime scenes. Such incidents relate to a burglary occurring in a property and goods were stolen and transported by vehicle to a certain house. The police received information about the location of the house where stolen goods were hidden. In this case, the primary scene would be the initial house where burglary occurred. The vehicle that was used to transport the stolen goods and the house or location where the stolen goods were hidden and recovered would be the secondary crime scene. The approach to be utilised in processing all these crime scenes is the same. The police official has to utilise the same guidelines of dealing, responding and properly processing burglary scenes.

### **3.6. CHALLENGES IMPEDING THE EFFECTIVE APPLICATION OF PRELIMINARY INVESTIGATION AT THE BURGLARY SCENE**

There are various impediments and obstacles that may be present during preliminary investigation at the burglary scene and if they are not properly managed by either the first responders or detectives, they may adversely affect proper investigation at the scene in terms of SAPS NI 1 OF 2015. The potential risks that may negatively affect preliminary investigation includes poor communication between dispatcher, reporter of a crime and first responder, incompetence and lack of appreciation of the importance of preliminary investigation, suspect's presence at the burglary scene, victims, bystanders and media.

### **3.6.1 Poor communication between dispatcher, reporter of a crime and first responder**

If persons at the CSC or call takers do not take all the details of the complaint or report about a burglary when completing SAPS 297 (registration of complaint form), they may omit very crucial aspects necessary to prepare the first responder according to the envisaged conditions at the burglary scene (see annexure I). Lochner and Zinn (2015:05) also emphasised that when receiving a call to attend a burglary scene, it is important to obtain as much information as possible about the incident before arriving at the scene. If the responding officers obtain the most vital information beforehand, it will help them to plan ahead and to ensure personal safety and the safety of others including colleagues. If it has been confirmed that the burglary is still in progress, the different officials must coordinate their arrival at the scene so that they can provide one another with maximum protection or backup. For example, if the CSC officials fail to establish if the burglary is in progress or already occurred, the number of the suspects involved, as well as other aspects which may help the first responder to summon the necessary support timeously, the first responder may undermine or under estimate the conditions of the scene ahead. Lochner and Zinn (2015:05) suggested that the following information should be obtained before arriving at the scene:

- The exact address of the premises where burglary has occurred.
- What type of premises is it?
- Are the perpetrators or accomplices still on the scene (burglary in progress)?
- How many suspects were involved?
- How many and what type of weapons have been observed?
- Description of the suspects.
- Description of the vehicle in which they fled.
- How and in which direction did they flee?

From the initial call through to the conclusion of the preliminary investigation, the police can face many challenges and potentially dangerous situations. It is important that first responders identify and address all safety concerns before they enter the area. For example, perpetrators may be hiding in the immediate vicinity and there is always the



potential for booby traps and other hazardous conditions. Detailed information about the complaint and burglary scene is crucial (Fish et al, 2015:29).

### **3.6.2 Incompetence and lack of appreciation of the importance of preliminary investigation**

The most critical time to manage the crime scene is the earliest, the sooner the police arrive at the scene the better. The responding officer protects and secures the crime scene and prepares the entrants and exit of the crime scene and prepare for the commencement of the investigation. Destruction or loss of evidence might be due to careless, haphazard approach or negligence, which could cause the scene to be distorted and jeopardise the success of the case. The preservation and prevention of alterations to the physical evidence at the scene is paramount (LeMay, 2017:01). It is extremely important for the investigating officer to familiarise himself/herself with the Locard Exchange Principle for guidance in conducting criminal investigation, furthermore, access to the burglary scene should be restricted and secured at all times (Miller & Massey, 2019:23). It is of utmost importance that when first responders perform their crime scene duties and responsibilities, they execute these tasks to the best of their ability to ensure professionalism. An inept attitude of a first responder may lead to failure to identify key and useful details of the scene, so monitoring the performance of both the new and experienced police officials by superior officers and training officers is essential. Understanding the importance of on-going training and continuing education, not only for investigative and technical personnel but also for first responders as well by police management is vital (Fisher & Fisher, 2012:31).

### **3.6.3 Suspects at the scene**

Fish *et al*, (2015:50) explained that suspects may attempt to destroy or remove incriminating evidence at the burglary scene. This may contaminate the scene and will destroy the value of any trace evidence that might be used to link the suspect to the scene. It is the responsibility of the first responding officers to identify the suspect and not to keep him/her waiting longer at the crime scene in order to avoid interference with evidence and deliberate contamination of the crime scene. The suspect might remove,

crush, spoil, or exchange original evidence with another evidence or gain information that might jeopardise the investigation. The suspects may even intimidate victims and witnesses once they realise that they are willing to testify against them. Thus, the suspect should be searched and removed from the burglary scene as quickly as possible. It is not advisable to bring back the suspect to a crime scene when all other investigations such as fingerprints, hairs, DNA and other evidence were collected throughout the course of the investigation; there would be an innocent explanation for their deposit (Fisher & Fisher, 2012:36).

### **3.6.4 Victims**

Reilly (2019:148) emphasized that many burglary victims experience not only a loss of property but intense feelings of violation or psychological trauma due to the invasion of their private spaces. Burglaries can be very traumatic and threatening for the victims. When attending a burglary scene, the first responder's priority should be those in need of medical attention. If there are any casualties, it is the first responder's priority upon arrival at the crime scene, to save lives. In cases where there are injured people, first aid should be administered, whilst on the other hand, the police summon the emergency personnel. Prioritising medical assistance to casualties is very important. In that regard, the first responder should give directions to the paramedics about the entrance and exit points at the crime scene. One does not have to consider about contamination of evidence at that moment, as long as the goal is to save lives (Fisher & Fisher, 2012:38). Depending on the circumstances, whether trauma or injuries sustained by the victim, this could imply that the first responder may not be able to interview and obtain information from the victim. Victims should always be treated with necessary care and dignity. Despite the challenges faced by first responders at the burglary scene, the interaction with the victims should be professional and empathic. The victim's emotions should not be disregarded, these victims or witnesses normally do not expect anything more than professional efficiency and some amount of humanity. The police's communication skills may defuse potential conflicts with victims or family members at the scene. Victims may also be experiencing tremendous personal anxiety and their reactions are not always predictable. They may simply be distraught and attempt to clean up the burglary scene prior to the arrival of the

crime scene technicians. It is important that victims are removed from the scene in order to prevent secondary trauma or possible contamination of the scene (Fish *et al*, 2015:49).

### **3.6.5 Bystanders and police officials**

While bystanders may assist the first responders or investigators with necessary information, one should be cautious of their interaction because they can trample and disturb the evidence. First responders assigned to control access should be able to remove fellow police officers including high ranking officers who have no business inside the scene. Bystanders and police officials who have not been assigned to any tasks should remain outside the cordoned-off area. The conduct of these people inside the scene may lead to serious contamination such as the loss of valuable evidential material. Contamination usually occurs as a result of this people because they smoke, eat, drink and discard empty cool-drink containers and cigarette butts at the scene. This may confuse crime scene technicians when processing the burglary scene and could derail an important investigation (Van der Watt, 2015:177).

### **3.6.6 Media**

The most difficult situations are the scenes that involve the presence of the media representatives. The journalists would continuously demand entry or access to the crime scene or be obstructive by insisting on taking photographs or interviewing witnesses. The SAPS National Instruction 1 of 2015 (crime scene management) guides the first responders, investigators and all other police officers who are involved in a crime scene about complying with the policies and procedures that govern the crime scene security. It also guides on how to handle the crime scene in a professional manner without violating people's rights. The involvement of the media assists in many ways. Nowadays, every household has access to social media platform via cell phone. Most crime threats are being communicated by means of social media. The police have a better chance of tracing the suspect, recover stolen property, locating witnesses, alert the community about type of crime happening in the area through social media platforms. However, with the same token, burglars may change their *Modus Operandi* based on how their crimes are reported in the media. Denial of access to a burglary scene by first responders does not

violate freedom of press in any way and journalists are free to write whatever they wish, within the confines of the laws that govern the media. The media representatives have no greater right to enter the cordoned-off scene than any other citizen, nor have they any greater right to information. Journalists should under no circumstances be allowed access to the crime scene. First responders do not have the responsibility to make any statements to the media or journalists. However, because it is also important to maintain a good rapport with the media, an internal media liaison should be utilized to communicate with the journalist regarding any aspects of the investigation (Dutelle & Becker, 2019:69).

### **3.7. THE SIGNIFICANCE OF PROTECTING THE BURGLARY SCENE**

Preliminary investigation is the first step of the forensic investigation process and the handling of a crime scene establishes the quality and quantity of information available for the investigation and ultimately the information available as evidence in court. The critical first steps to ensure the integrity and admissibility of physical evidence are proper identification, documentation, collection and preservation of physical evidence. Every stage of investigation is important. Failure to adhere to the rules and regulations of SAPS (2015:9-11) could cause any forensic analysis to be inadmissible. Evidence might also be tainted, which would further reduce the chances of a successful prosecution (Mozayani & Parish-Fisher, 2018:1).

Fisher and Fisher (2012:37) inform that steps should be taken immediately upon arrival at the crime scene for protecting it from contamination by cordoning the area and redirecting investigators, other officers, supervisors and command personnel, the press, curiosity seekers and family members outside of the protected area. The general rule of using the crime scene tape, closing the door or using a visible string could secure the crime scene. In addition, the barricaded or cordoned area should include the central scene and where possible, the probable entry and exit path used by the criminal if the scene is indoors like in burglary cases. Moreover, the potential evidence should be prioritised, be it on the ground, window frames, in or outside the window/ pane, or in rooms that were points of entry or exit of the burglars, in rooms through which burglar had to pass or ransacked, or in stairways or in entrances. Fisher and Fisher, (2012:37) alluded

that the extent of protective measures differ and should be decided on a case-by-case basis.

Geldenhuis (2023:23-25) alluded that it is important to perform proper crime scene management to get to the bottom of the crime and prevent destruction of evidence that might be recovered at a scene. Due to the fact that the crime scene is the first step where the suspect/ perpetrators could be exposed, it should be treated professionally and with integrity. Dutelle and Becker (2019:67) assert that crime scenes are not the same, but differ in many ways. For instance, each crime scene has its own tangible physical evidence, or physical evidence that could be identified through the usage of forensic techniques. However, protection and securing of the crime scene would assist the investigator in preventing contamination and identifying which item is the evidence and which one is not. There is nothing like a perfect crime and perpetrator will always make some sort of mistake, take something from the crime scene or leave a trace of evidence. The Locard Exchange Principle which clearly state that every contact leaves a trace, is regarded as the cornerstone of forensic investigation, so there is no doubt that the crime scene is the place where the search for physical evidence, which may be visible to the naked eye such as shoe imprints, but also for microscopic evidence such as trace and DNA evidence can be found, for example, on something as common as a cigarette butt (Geldenhuis, 2023:23-25).

Gehl and Plecas (2017:109) elaborated that perpetrators are not the only ones to leave traces on the crime scene, anyone who enters such scene including emergency medical personnel, security officers, members of the public and other police officials also leave traces which can hamper investigation. Therefore, proper crime scene management is of utmost importance and no curious onlookers, the media and even random police officials should come and go as they wish on a burglary scene. A burglary scene must be protected at all costs against cross transfer, contamination and destruction of physical evidence. It is also important for the police to inform the people inside the burglary scene to avoid using the following: toilet, turn on water, eat, drink, smoke or use towels as a precautionary measure. The criminal might have used any of these objects, such as bathing towel to wipe off blood stains or sweat *etcetera*. Also, there might be some

biological evidence or fingerprints on the sink. The first officer to arrive at the crime scene should avoid touching anything unless absolutely necessary (Fisher & Fisher, 2012:37).

Dutelle (2021:47) explained that the scene must be protected until all physical evidence has been documented and collected. Investigation might be incorrectly interpreted based on an unprotected crime scene which might lead to tampering and concealment of evidence. In this regard, there might be further challenges of arresting suspects because there won't be any evidence to prove the case in a court of law. Thus, it is important to discuss and consider the proper plan of actions to be taken upon arrival at the scene and also conceptualise the scene. At some instances, suspects are identified at the crime scene, which should be prioritised and attended to as soon as possible before they disappear. The first responders must protect and prevent the scene from contamination by establishing the boundaries of the scene, keeping unauthorised personnel and curious onlookers, detaining and separating any eyewitnesses, and continuing security until properly relieved (Dutelle and Becker, 2019:67).

Gehl and Placas (2017:109) explained that the police have several specific processes or tasks to be performed at the crime scene for protecting the integrity of the crime scene, such as identifying, collecting, preserving, and protecting evidence in ensuring that it will be accepted by the court. These tasks include:

- Crime scene lock down;
- Cordoning off the crime scene to make sure that evidence is not contaminated;
- Establishing and preventing any path that might lead to contamination; and
- Establishing crime scene security.

SAPS (2015:9-11) also emphasized that controlling of the crime scene begins with the arrival of the first responder which is usually CSC official, who must act as Crime Scene Commander until the handover to the Crime Scene Commander has been completed. According to SAPS NI 1 OF 2015, crime scene management involves the process of assessment, planning, analysing and implementation of measures to take control and secure the crime scene, as well as ensuring the integrity and the originality of evidence and exhibits, among others at the crime scene. There are specific rules and regulations

indicated by SAPS regarding the procedure taken at a crime scene that needs to be adhered to by all SAPS members. The initial actions taken at the crime scene by the first responders most often determine the outcome of the investigation. It is therefore vital for the police to approach the crime scene professionally and armed with investigative skills and experience. The first responder's actions at the crime scene can result in the arrest of offenders and impact on whether the crime is solved or whether the entire investigation is bungled (Geldenhuys, 2023:23-25).

### **3.8. PRACTICAL MEASURES TO CONDUCT USEFUL PRELIMINARY INVESTIGATION AT THE SCENE OF BURGLARY**

Preliminary investigation is a difficult and time-consuming task that cannot be completed in a couple of minutes. It is imperative to conduct the preliminary investigation intensively and correctly. Attention should be paid to detail information from the beginning. Time management is also very important, because the police might not have the time to be repeatedly returning to the same crime scene when they remember at a later stage what they did not attend to previously. Determination of *corpus delicti* is the main purpose to conduct preliminary burglary scene investigation, which enables the establishment of the developments that occurred during a burglary, identification of the perpetrator or suspect, to document the condition of the crime scene upon arrival (see annexure K); and most importantly, recognise and collect available physical evidence to complement the fact that burglary did occur. All of the abovementioned factors might be able to assist in arresting and convicting the suspect (Geldenhuys, 2023: 23-25).

#### **3.8.1 Enhance communication**

Communication skill is highly recommended for the police officers. This skill whether written or spoken, is used by the police daily, with the police officers writing on their pocket book, as well as writing statements, or documenting every event (note-taking). Good communication skills become an advantage for the police to be able to get more information from suspects or witnesses who provide scanty information (Dutelle, 2017:25). When the burglary is reported, it is the beginning of documentation journey. Hence, the procedure should be handled professionally. Decision making of the outcome

of the investigation would be determined by manner in which documentation was handled. The approach and assessment of the burglary scene is vital in influencing the outcome of the process (Van der Watt, 2015:164).

### **3.8.2 Note-taking at the burglary scene**

Horswell (2004:13) asserted that writing notes is the provision of a comprehensive and accurate record of events and observation, which will be stored for safe keeping and could still be referred to for many years to come. Detailed notes are preferable mainly to assist the witness in recollection of the incident or certain facts. It is not advisable to use abbreviations because people might later on interpret such abbreviations incorrectly. Miller and Massey (2019:37) indicated that the individual can use any process or procedure taking notes for crime scene, as long as those notes can be understood. According to Horswell (2004:13) upon arrival at the scene, the following should be noted:

- Date and time of arrival of the first responder as well as other officials such as specialists, if there is a need for them;
- Document details of the person at the scene upon arrival
- Weather conditions should be mentioned
- The quality or condition of lights at night should be explained
- Detailed information about the incident;
- Detailed information of the occurrence;
- Clear information about the officer in charge of the case;
- Clear information about the scene guard;
- Type of assistance provided at the scene such as emergency medical personnel, or back up assistance; and
- Detailed information about any other resources already requested.

Miller and Massey (2019:37) define notes as information written about the activities or occurrence at the crime scene which include the place where the physical evidence was found and its condition, description of every person found at the scene, whether they were injured as well as their emotional status and the detailed condition of the crime scene. The notes are very important for future reference; they are not only meant for a particular



scene of incident only but crucial throughout the investigation. It is extremely important to document crime scene event accurately as well as the completion of investigation and how the case was resolved. Furthermore, detailed description of the movements at the scene as well as items recovered and the condition of those items at that time, condition of physical evidence observed during preliminary scene survey. Overall observation of the scene as it appears and items deemed to be of potential evidential value should be included in the notes. Notes should be taken continuously throughout the scene investigation (Mozayani & Parish-Fisher, 2018:5).

The who, what, when, where, why, how or 6Ws questions should be noted and addressed in the first responders notes and communicated to the detectives so that valuable time will not be wasted tracking down first responders to determine their actions prior to the arrival of crime scene technicians (Fish et al, 2015:23).

### **3.8.3 Establishing the scene log**

Stainton and Ewin, (2022: 27) indicated that crime scene management is complemented by log-keeping, including any observations made. The crime scene log enables the police officer to justify actions taken and those not proceeded with at the scene as the influence on the decision taken by the officer may have been forgotten at a later stage. A crime scene log is used to record the comings and goings of everyone who enters the scene (see annexure J). It is extremely important to lock down a crime scene as soon as it is discovered for many reasons, for example, to make sure that no one unauthorised enters, no evidence is taken out or put in, to make sure that nothing is disturbed or removed except by authorised crime scene technicians, to make sure that nothing is contaminated etcetera. It is important to record what you first encountered, scene parameters, details of who was afforded access and directions given throughout the initial period. All are useful and should be recorded in sufficient detail to recall the decision, influences and rationale. The police officials securing the burglary scene should maintain the scene log until all personnel clear from the scene and the burglary scene is released to the owner (Suboch, 2016: 106).

### **3.8.4 Identification of critical persons such as witnesses**

The first responders often find a very chaotic, uncontrolled situation and traumatic victims when they arrive at the burglary scene. It is their duty to keep the condition under control and be in charge of the scene. As such, the first responder should be able to identify potential victims and witnesses as well as potential suspects at the crime scene. It is crucial to separate these individuals as soon as they have been identified, to prevent them from communicating amongst each other to avoid distorted statements and contamination of the crime scene. Lack of observation and identification of critical persons and clues at the burglary scene may result in complete distortion of the scene (Baxter jr, 2015:04). Witnesses must be kept separate and away from others and each other. Witnesses should not be allowed to talk to each other because their conversation may lead to distortion of their original observation (Fish *et al*, 2015:50). Unsuccessful cases are often due to poorly investigated cases which might be caused by the fact that the crime scene investigator was unable to recognise and identify suspects or possible witnesses. Mostly, witnesses tend to become unwilling to testify, sometimes due to intimidation or reasons known to them. Therefore, it is the investigator's duty to identify and locate them. Investigation skills and experience might be of assistance to the investigator who would be able to pose relevant questions to people during interview, which will lead to identifying the relevant witnesses based on their responses to the questions (Lochner & Zinn, 2015:25).

The most common sources of information are witnesses and victims. They usually present an exceptional source of information. A witness might have photographic memories based on what they have seen, heard, touched, tasted or smelled. At some point, they appear to have opinions and views, in some instances they become very dramatic about the incident, representing a source of intelligence about the area and the people involved. They are all-round sources of information and are often found at the scene of offence. It is therefore important to differentiate between onlookers and witnesses and should take action to trace those witnesses present as soon as possible. It is acceptable to obtain a first account and arrange interviews at a mutually convenient time (Stainton & Ewin, 2022).

### **3.8.5 Preserve and maintain the integrity of burglary scene**

Lochner and Zinn, (2015:35) explained that preliminary investigation consists of activities such as securing the scene, documenting the condition of crime scene during and after investigation; obtaining statements from victims and witnesses, identification and collection of evidence to support that the crime has occurred; identification of the offender; and preservation of physical evidence. A systematic approach has to be followed in order to achieve all of the above. The first responders are entrusted with the responsibility to cordon-off the scene to ensure that physical evidence remains in its original state as it was found. Controlling and securing the crime scene will also serve as a proof that the crime scene was maintained throughout the preliminary investigation and consequently assist in the admissibility of evidence during prosecution stage. It is the first responding officer's responsibility to maintain and document the condition of the scene, including any alteration that occurred due to medical or safety reasons. Physical evidence should not be altered or shifted; it should be preserved in its original form in which it was recovered. The evidence might be discredited if there were any undocumented amendments to the scene and items within it, which will bring the reputation of the organisation and its credibility into disrepute (Mozayani & Parish-Fisher, 2018:3).

From the moment someone like complainant alerts the police that burglary has occurred, the clock is ticking. Documentation of every person, action, statement and observation forms an essential link in the chain of custody. Beginning with the arrival of the first responders at the scene of burglary, activities will be scrutinized by dozens of people, all in various roles working to ensure that justice is served and that communities remain safe. Preventative measures to protect and preserve the burglary scene must begin immediately. As soon as safety issues have been resolved, access should be restricted and the process of documentation begun. Documentation of the location of the forensic evidence at all times is extremely important to maintain the chain of custody. From the time the first responder arrives at the burglary scene until detective releases the location at the conclusion of the crime scene search, the integrity of the entire area must be maintained and documented (Fish *et al*, 2015:22-23).

### **3.8.6 The establishment of burglary scene security**

The purpose of controlling the scene of crime is to protect the inhabitants in the vicinity from any harm, to prevent any disorder or contamination at the scene which might be caused by confusion, and to identify physical evidence, suspects and possible witnesses. The police should make necessary assessments of the circumstances and conditions, before taking any action on the scene, in order to have a positive decision for the next plan (Lochner & Zinn, 2015:35). The actions of the first responders have a major impact on the case, be it negative or positive. It all depends on their response and decision on the crime scene. For example, first responder's lack of action of controlling curious bystanders at the crime scene might have a very negative effect on the case because people will either contaminate or remove the evidence from the scene. The first responder's priority is to protect and secure the burglary scene. Securing the scene might be implemented in different stages, such as determining the boundaries and the surroundings of the crime scene. Furthermore, the first responder should have entrance and exit of the crime scene. Search for any suspect who might be hiding inside the house, as well as additional victims or witnesses who might be injured and need medical attention. While busy clearing the area, the first responder will concurrently identify items of evidential value such as weapons. If there is physical evidence such as weapons found at the scene, the police should notify the IO or CST as soon as possible (Baxter jr, 2015:4-5).

The first responder becomes in-charge of the scene until it is handed to investigator. As such, they are responsible for any developments that might erupt from the crime scene. Therefore, it is the first responder's responsibility to exclude fellow police officers including high ranking officers and supervisors who might be at the crime scene. Failure to do so might delay the process and contamination might occur as well as losing the opportunity to collect valuable evidentiary materials which will devalue the case and render the collected items invalid for testing. It is the responsibility of the first responder to ensure that the crime scene remain *in situ* (Suboch, 2016:105).

From the time the first responder arrives at the burglary scene until detective releases the scene at the conclusion of the preliminary investigation, it is essential that all information be shared among the team members so that vital physical evidence is not overlooked and the integrity of the entire scene is maintained. Communication among first responders and other crime scene personnel including detectives is essential. It is extremely important for the burglary scene to be made secure and restrict access to the scene by nonessential people to prevent any evidence alteration or contamination. The police enhanced communication skills, detailed note-taking at the scene, the establishment of scene log, the identification of critical persons such as victims, witnesses and suspects are the key steps for a successful investigation. All these activities at the burglary scene are paramount and must receive the scene investigators undivided attention.

### **3.9. SUMMARY**

The successful investigation of burglary begins at the crime scene. The first responder is the key figure and is the most important person at the burglary scene. The first responder is responsible for ensuring that the initial response is accomplished quickly and competently. Once the scene is secure and the integrity is ensured, then the investigatory process begins. Adherence to a scientific, legal and systematic approach in an unbiased manner will ensure that the chain of custody for collected evidence at the burglary scene will be intact and result in the subsequent admissibility of such evidence.

This chapter discussed the Investigative star which is otherwise called 6W's for the purpose of preliminary investigation, systematic and orderly plan on how to approach and collect information at the burglary scene, responsibilities of first responders at the burglary scene and the processing of burglary crime scene. Most importantly, this chapter also touched on the challenges impeding the effective application of preliminary investigation at the burglary scene, practical measures to conduct useful preliminary investigation at the scene of burglary and the significance of attending and protecting the burglary scene. The next chapter will present pragmatic worldview, demarcation of a research, target population of the study, an appropriate research design, purposive sampling, semi-structured interview, bracketing, ethical consideration and trustworthiness of the study.

## **CHAPTER FOUR**

### **RESEARCH DESIGN AND METHODOLOGY**

#### **4.1. INTRODUCTION**

It is extremely important that the researchers use appropriate research methodology to find answers to the problem. This chapter explains the systematic process of collecting, analysing and interpretation of data. The worldview of the study will be discussed in this chapter. This chapter also describe demarcation of the study. The target population and the reason why it was selected will be detailed in this chapter. The chapter four also explains why purposive sampling was used. It further explains the significance of bracketing.

#### **4.2. PRAGMATIC WORLDVIEW**

The pragmatic worldview emanates from actions, situations and consequences and it forms a focal point around the research problem in social science research whereby pluralistic approaches are used to derive knowledge about the problem. Instead of focussing on methods, it places more emphasis on the research problem and all approaches available are applied to understand the problem (Creswell, 2014:10). Pragmatism is not committed to any one system of philosophy and reality, so individual researchers have freedom to choose the methods, techniques and research procedures that best meet their needs purposes. The purpose of this study is to identify the relevant information on best practices pertaining preliminary investigation of burglary scene by first responders and to determine shortcomings in current preliminary investigations. The researcher opted for pragmatism because it can handle any kind of the situation and also solve practical problems or actions such as lack of knowledge and skills to conduct preliminary investigation by CSC officials at burglary scenes. The researcher used pragmatism which assisted him to gain better understanding of the real cause of the problem using semi-structured interview and this resulted in a balanced conclusion.

### 4.3. RESEARCH DESIGN AND APPROACH

First and foremost, there are three approaches that are used in social research to find answers to the research questions, namely; qualitative or unstructured approach, quantitative or structured approach and the mixed methods approach. The core difference between the three is the extent of flexibility permitted to the researcher in the research process. It is the researcher's responsibility to identify the type of design he or she would utilise, whether it is qualitative, quantitative or mixed method design in order to be able to plan for the research project. The design is based on bringing together a worldview or assumptions about research, the specific strategies of the inquiry and research methods. The decisions about a choice are further influenced by the research problem or issue being studied, the personal experience of the researcher and the audience for whom the researcher writes (Cresswell, 2014:3)

It is imperative to select an appropriate design for research. Amongst others, the researcher is enabled to acquire relevant findings for comparisons with previous research on which to make valid conclusions. Unprepared research design might give faulty, distorted and misleading findings. Therefore, it is important for the researcher to select a workable, valid design to avoid waste of human resources and its financial implications (Kumar, 2014:39). Research design is a plan for collecting and analysing evidence that will make it possible for the investigator to respond to any questions posed to him/her. Adoption of any particular research design is an indication that all aspects of the research, starting from data collection to the selection of the techniques of data analysis, relate to the study problem and aim (Flick, 2014:112). Research is structured through a design which is utilised for enquiry and indicates the working relationship of all the major parts of the research projects (Babbie, 2014:116). The selection of an appropriate research design is most important to the attainment of the research findings that are valid and comparable to other similar studies. Equally, a faulty design has a detrimental effect of yielding misleading findings. It is therefore crucial to select a research design that is valid, workable and manageable (Kumar, 2014:39).

Richards (2015:01) defined the qualitative method as the process of studying people and their social worlds, with the researcher going to places where those people live or work, closely observing their behaviour, natural setting and learning how they understand their situations. In this regard, qualitative research enables deeper understanding of individuals' context, perspectives perceptions, meanings and experiences (Jensen & Laurie, 2016:12). On the other hand, Creswell (2013:179) describes qualitative research as an approach to discover and understand the attitude and reactions of individuals and groups to social and human problems.

Qualitative methodology refers to those research strategies, such as participant observation, in-depth interviewing, total participation in the activity being analysed, field work, just to name the few, which allow the researcher to obtain first-hand knowledge, truthful reporting of their observations and accurate quotes from participants about empirical social world (Filstead, 1970:6). According to Denscombe (2002:33), even if exploratory and descriptive research lend itself to more qualitative data that does not impose an absolute scope and direction of the research, it remains crucial for the study to reveal the route and methods intended by the study. Kasim and Antwi (2015:220) explained that qualitative research is utilised for the description of what is seen locally, and sometimes to come up with or generate new hypothesis and theories. Furthermore, it is utilised to discover more about what is known and unknown about a phenomenon. As such, it is commonly used to understand experiences of people and to express their perspectives.

Researchers usually seek to gain understanding of a certain population, event or organisation. However, qualitative researchers do not measure or manipulate variables. Instead, they allow meaning to emerge from the research participants. In qualitative research, some subjectivity or judgements shaped by personal opinions and feelings is expected because the research is by and on people who are subjective in nature (Keenan, 2022:01). For the purpose of this study, the researcher used qualitative research approach and this allowed the researcher to obtain first-hand information from one-on-one interviews with SAPS CSC officials, SAPS investigators, SAPS LCRC members and NPA prosecutors. The researcher through his experience as a police officer personally



observed that a significant number of SAPS visible policing members placed in the CSC seem to lack knowledge and skills to conduct a preliminary investigation at burglary scenes. This is irrespective of the SAPS National Instruction 1 (2015) that defines the role of the first responder to a crime scene. The researcher chose qualitative research approach for the research because it is concerned with individual's different experiences, feelings and attitudes and it really helped him to explore the problem or issue in a 'real life situation' (Creswell, 2013:48). The researchers own personal experience as a police officer, problem statement and his audience also influenced his choice of qualitative approach.

Empirical research is defined as any research where conclusions of the study are strictly drawn from concretely hard evidence gathered from information collected from real-life experience or observation and therefore verifiable evidence (Kumar, 2014:39). The researcher used an empirical research approach because he believes that it best suits his study and it has given him the opportunity to conduct in-depth, one-on-one interviews with CSC police officials, detectives, LCRC members and prosecutors to obtain their ideas and inputs about the perceived poorly obtained preliminary information and evidence at the burglary scene which contributes to non-conviction of the perpetrators. This empirical evidence forms the basis of the research.

#### **4.4. DEMARCATION OF THE STUDY**

Demarcation of a research is crucial because it provides a clearly described scope of the research and provides a distinguishable frame to avoid non-feasible activities of the research (Verschuren & Doorewaard, 2010:18). The study was conducted in Mpumalanga province in South Africa. However, the study did not focus on the entire province of Mpumalanga but was based within the parameters of SAPS Witbank cluster. Witbank is a city situated in Mpumalanga province in South Africa within Emalahleni local municipality and it neighbours other places such as Middelburg, Bronkhorspruit and Kriel. Witbank is at the centre of a coal mining area with more than 22 collieries within its municipal radius hence it was officially renamed to Emalahleni meaning the 'place of coal' in 2006 by the government of Mpumalanga to match the name of its municipality. Governing bodies made numerous attempts to establish the use of the name Emalahleni,

however, locals still tend to call it by the original name of Witbank. Witbank area has the largest concentration of coal fired power stations in the country and they are Duvha, Kriel, Matla, Kendal and Kusile which all supply electricity to the national grid. Many companies such as Anglo American, BHP, Evraz, Eskom, Exxaro, Xstrata, among others have made substantial returns on their investments as a result of coal extracted in Witbank and the surrounding areas of Emalahleni local municipality. Consequently, the city and its economy have grown rapidly based on coal mining and other associated activities such as power generation and the metal industry which attracted the inflow of migrants to Witbank. There are also two national highways, the N4 from Pretoria and N12 from Johannesburg which converge at Witbank and then continue to the city of Mbombela and Mozambique. Coal mining is considered to be the largest and strongest sector which contributes more than half to the Emalahleni economy almost 55% in 2017. The size of the economy in Emalahleni was estimated at R66 billion in 2018. Coal mining is the biggest economy contributor in Emalahleni local municipality (Emalahleni local municipality, 2022).

Figure 4.1 shows exactly where is Witbank, renamed Emalahleni, in Emalahleni local municipality and the surrounding towns. Other neighbouring district municipalities are also clearly illustrated.



**Figure 4.1: Emalahleni local municipality map**

Source: Municipalities of South Africa.

The researcher limited the study to SAPS Witbank cluster because it is where the researcher mostly observed numerous incidents of poor preliminary investigations and where the problem was identified. Furthermore, SAPS Witbank cluster is counted among the top three clusters with the highest number of complaints and cases in the Mpumalanga province (SAPS, 2020). The police stations resorting to SAPS Witbank cluster are Witbank SAPS, Vosman SAPS, Delmas SAPS, Kriel SAPS, Ogies SAPS, Phola SAPS and Sundra SAPS.

The researcher restricted the study to the information helpful to attain the aim of this study, which is to evaluate the understanding and application of preliminary investigations by SAPS CSC police officials in the Witbank cluster. The research is not concerned with all the functional units within SAPS but more concerned with CSC members, general detectives, LCRC and NPA Prosecutors because they are probably the best informed on the relevant issues regarding the preliminary investigation and processing of crime scenes and the consequences of these actions in respect of evidential value in a court of law.

The SAPS CSC police officials' responsibilities amongst others include to attend to a crime scene as first responders; to secure the crime scene; opening the case docket; interviewing complainants, victims, witnesses of crime; interrogation and apprehending any suspects at the scene; a preliminary search of the scene; recognising and safeguarding evidence and summoning various crime scene experts as part of preliminary investigation. In real life conditions police officers from the CSC have to do the full investigation of minor crime scenes and also collect evidence at the crime scene. This is, in the experience of the researcher, usually the case when the local detectives cannot attend to the crime scene for various reasons and more so in the case of police station in rural areas.

#### **4.5. TARGET POPULATION AND SAMPLING**

Rahl (2017:03) defined population as all people or items that one wishes to understand. According to de Vos *et al.* (2011:223), a population is the total number of people, organisational units, events, other sampling units or case records in which the research study will be based due to the concerned research problem. Population is a term that sets boundaries on the study units. It is for the benefit of the population that the research is done. Approximately 125 000 uniform police officers who may at a time in their respective careers have to attend to a crime scene as first responders formed the population for the study.

##### **4.5.1 Target Population**

Target population is a generally large, well-defined collection of individuals or objects which is the main focus of the study and is known to have similar, binding characteristics (Rife, Lacy & Fico, 2014:720). The ideal was to test all the individuals to obtain reliable, valid and accurate results. However, it was not practical for the researcher to use all the units of the study which forms the population because of limited resources and time constraints. Therefore, the researcher selected a target population. The target population of the researcher consisted of all the SAPS CSC police officials, all SAPS General detectives, all SAPS LCRC members and all NPA prosecutors based in the precinct of SAPS Witbank cluster in Mpumalanga province or in the case of the LCRC and NPA

prosecutors who render a supporting service to the SAPS Witbank cluster. There are 540 persons in the target population.

The target population for this study was selected because the researcher believes that the members of the target population have been involved, exposed to or dealt with matters relating to preliminary investigation in their capacity.

**Table 4.1: Strata of the SAPS CSC officials and general detectives in Witbank cluster**

|                           | Witbank SAPS | Vosma n SAPS | Delmas SAPS | Kriel SAPS | Ogies SAPS | Phola SAPS | Sundra SAPS | Sub-Total |
|---------------------------|--------------|--------------|-------------|------------|------------|------------|-------------|-----------|
| <b>CSC Officials</b>      | 96           | 79           | 36          | 34         | 43         | 32         | 23          | 343       |
| <b>General Detectives</b> | 49           | 44           | 20          | 8          | 17         | 7          | 5           | 150       |
| <b>Total</b>              |              |              |             |            |            |            |             | 493       |

Source: Compiled by the researcher.

The table above depicts the size and strata of the SAPS CSC officials and general detectives in Witbank cluster. SAPS Witbank cluster comprises of a total of 343 SAPS CSC officials and 150 SAPS general detectives from a total of seven SAPS police stations. The number of CSC officials and general detectives per police station are also illustrated on the table and both CSC officials and general detectives combined from a total of seven (7) police stations equals to 493.

#### **4.5.1.1 SAPS CSC police officials**

SAPS Witbank cluster CSC Police officials are in a desirable position to offer their views pertaining preliminary investigation at crime scenes as first responders because they are mandated as police officers to prevent, combat and investigate any crime in terms of the section 205 (3) of the Constitution of the Republic of South Africa Act 108 of 1996 (The Constitution of the Republic of South Africa, 1996).

#### **4.5.1.2 South African Police Services General detectives**

SAPS Witbank cluster general detectives reflected on how well the CSC police officials conduct a preliminary investigation because the SAPS investigators are handed over the crime case dockets by SAPS CSC police officials in order to process information contained in the case docket and conduct further investigation.

#### **4.5.1.3 Local Criminal Record Centre members**

The selection of LCRC officials who provide a support service in the Witbank cluster reflected on the professional or unprofessional conduct of CSC officials at the crime scene because they always arrive at the crime scene after being called by CSC officials or detectives. Furthermore, they are responsible for processing the crime scene (lifting fingerprints, mapping and photography) and also have an advanced training in the documentation, collection and preservation of physical evidence. Based on their skills and experience, they were able to explain on whether Witbank cluster CSC officials are able to protect and secure crime scene, secure and preserve physical evidence and prevent or minimize any contamination of evidence. The SAPS Witbank cluster consists of 29 LCRC members based at one service point in Witbank and are serving all the SAPS police stations in the cluster.

#### **4.5.1.4 NPA prosecutors**

The inclusion of prosecutors was necessary because they were able to reflect on the preliminary investigation conducted by Witbank cluster CSC members. They make the decisions on instituting prosecution against an arrested person based on the relevant facts and evidence presented by the police “information in the docket”. The prosecutor’s decisions are mostly based on the full investigation of the crime scene including the preliminary investigation by first responders, arrest statements, sketches of the crime scene and all other evidence pertaining to the crime.

There is a total of 18 prosecutors servicing the SAPS Witbank cluster. The courts servicing the SAPS Witbank cluster are Witbank court, Vosman court, Delmas court, Kriel court and Ogies court. Phola SAPS is serviced by Ogies court and Sundra SAPS is serviced by Delmas court. The researcher only considered the target population of NPA prosecutors servicing the areas within the SAPS Witbank cluster.

#### **4.5.2 Sampling**

Rahl (2017:03) defined sampling as the process of selecting segment of the population for investigation. It is the process of selecting a sample of individuals from a population in order to measure the characteristics, beliefs and attitudes of people. Sampling is studied in an effort to understand the population from which it was drawn (De Vos *et al*, 2011:223).

Rahl (2017:3) indicated that there are two types of sampling methods, namely probability sampling and non-probability sampling. Probability sampling is a sampling approach in which each individual has an equal chance to be selected, whereas non-probability sampling approach is characterised by the researcher's judgement in selecting the units of the study. Since this study is based on qualitative approach, the researcher utilised non-probability sampling for the study because of its non-randomised methods (Showkat & Parveen, 2017:7). Showkat and Parveen (2017:8) further added that the non-probability sampling is divided into four categories namely convenience, purposive, snowball and quota sampling methods. The researcher used a non-probability purposive sampling method as described below.

Bachman and Schutt (2014:119) explain that in purposive sampling each element in the research is selected for a specific purpose. Unlike probability sampling methods which are characterised by using random selection to afford all units an equal chance to be selected, purposive sampling technique is used by qualitative researchers on selecting elements of particular interest or certain characteristics (Rahl, 2017:03). Hence, purposive sampling is also referred to as judgement sampling, based on the researcher's application of his or her own judgement about the selection of the most informed individuals.

The researcher used purposive sampling technique to ensure that the elements forming part of the sample are relevant to help answer the research questions in this study. The population of the study consist of four discernible sub-populations namely SAPS CSC police officials, SAPS general detectives, SAPS Local Criminal Record Centre members (LCRC members) and National Prosecuting Authority (NPA prosecutors). Each sub-group is fairly a homogeneous group because its members at different points or service stations within SAPS Witbank cluster have similar characteristics and were at different stages involved in matters relating to crime scene management and preliminary investigations. The CSC police officials are mostly the first responders to the scene of crime, the SAPS general detectives are mostly handed over the scene of crime by the first responders, the SAPS LCRC members are called to collect and analyse evidence at the scene of crime; and the NPA prosecutors are deciding on matters of crime brought to their attention and lead evidence in a trial.

The population of members attached to the LCRC and the NPA in this research are the relatively small number of members of LCRC and NPA officials who provide a service within the SAPS Witbank cluster. The purposively selected participants were on the basis of their expert knowledge and training requested to point out the mistakes first responders make at crime scenes; and how these mistakes affect further investigation and possible prosecution. This request was made in order to get an informed and objective appraisal of the issues regarding the preliminary investigation at crime scenes by members of visible policing as first responders.

Fusch and Ness (2015:1409) provide guidance that purposive sampling is qualitative in nature and the researcher can apply discretion to select a sample to maximise the collection of data useful for the study. The selection of the sample is also informed by factors such as resources, time and limited budget. Lopez and Korstjens (2013:127) hinted that depending on the need to attain a saturation point of data, the number of participants in a qualitative study can range between three (3) and 50. In this study, the researcher collected data from twelve (12) participants in Sample A (CSC officials), and ten (10) from Sample B (SAPS Detectives). The researcher requested the commanders at the respective police stations to select relevant detectives and CSC members who



were involved, exposed to or dealt with matters relating to preliminary investigation for interviews because in purposive sampling, it is the prerogative of the researcher to determine the process of establishing willing participants with the requisite knowledge and experience (Omona, 2013:181). Furthermore, the researcher used biographical information from the interview schedule to verify the participants knowledge and experience relating to CSC and detective duties respectively (See annexure E and F). These participants were able to answer the research questions relating to preliminary investigations at the burglary crime scene.

Furthermore, the researcher used purposive sampling to select a sample of seven participants each from the two (2) remaining sample C (LCRC members) and Sample D (NPA prosecutors). The reasons why purposive sampling was used to select the two (2) samples was that the sampling frames were small a number, 29 (LCRC members) and 18 (NPA prosecutors). The researcher purposively selected each participant of the LCRC and NPA for a specific purpose as suggested by Bachman and Schutt (2014:119). The researcher used purposive selection criteria to select these participants with the assistance of the local LCRC and NPA senior management. This criterion included best relevant experience on the research topic, most knowledgeable and relevant training received regarding the processing of crime scenes and the prosecution of the offenders. The purposive selection of seven participants from each relevant discipline according to the set criteria ensured that most rich data was collected in this regard.

The researcher took into consideration the contribution made by Berndt (2020:134) that the equal and disproportionate number of samples from each strata is more desirable than proportional samples of the strata if this can result in small or rare strata (such as that of NPA prosecutors and SAPS LCRC) being less included.

#### **4.6. DATA COLLECTION METHODS**

Moser and Korstjens (2018:15) elucidated that there are different methods of collecting data in qualitative research such as interviews with individuals, group discussions and observations. However, Adhabi and Anozie (2017:87) averred that interviews form the basis of a primary data collection method in qualitative research design. The three

common types of interviews in qualitative research include structured, semi-structured and unstructured interviews. De Vos *et al* (2011:347) indicate that qualitative studies typically employ unstructured or semi-structured interviews. The researchers generally use semi-structured interviews to gain a detailed picture of a participant's beliefs, perceptions or accounts about a particular topic. Furthermore, semi-structured interview methods give the researcher and participant much more flexibility when conducting research interviews. According to Adhabi and Anozie (2017:89), semi-structured interviews are derived from the combination of both the structured and unstructured interviews and they utilize pre-planned but flexible questions to probe information. The structured interviews are rigid in nature in that they follow a prescribed fixed pattern of asking questions. On the contrary, unstructured interviews are flexible in that they are more informal in nature (Adhabi & Anozie, 2017:87).

Unstructured interview helps in understanding the experience of other people and the meaning they make of that experience (De Vos *et al*, 2011:347-348). It is focused and discursive, and allows the researcher and participant to explore the issue under investigation. Semi-structured interviews are useful to determine individuals' perceptions, opinions, facts and forecasts, and their reactions to initial findings and potential solutions. Unstructured interviews are also known as in-depth interviews.

Conducting research interviews can require groups or individuals of interest to the subject under investigation. The interview conducted with groups is called focus group interview, whereas, one-on-one "face-to-face" interviews are conducted with individuals (Walliman, 2014:127). The researcher used semi-structured interviews "face-to-face method" with individuals to collect data; because it is a suitable data collection method in qualitative research, contain both structured and unstructured sections with standardised open format questions and allow flexibility to probe more information from the participants (Walliman, 2014:127).

The researcher prepared the relevant questions in the four interview schedules to the research beforehand and submitted the interview schedules for review to the study supervisor. The researcher also gathered data through literature study, relevant documents and records from archives that are freely available to the public such as libraries and online reading material including SAPS intranet.

#### **4.7. DOCUMENT ANALYSIS**

Kutsyuruba (2017:200) defined document analysis as a systematic procedure for reviewing and evaluating documents that entails findings, selecting, appraising and synthesizing data contained in them. The purpose of documentary evidence is to combine such evidence with data from interviews to minimise bias and establish credibility. The qualitative researcher is expected to draw multiple sources of evidence to corroborate the findings and thus reduce the impact of potential bias that can exist in the study (Bowen, 2009:28). The researcher used data drawn from relevant documents such as national instructions, policies and directives of the SAPS that are related to the issue of the role of the first responders and the preliminary investigation such as SAPS policy 2 of 2005, Policing Circular 26/3/2, National Instruction 1/2015 and NCCF I 10/2015 to contextualise data collected during interview.

The problem of little or no knowledge and skills in preliminary investigation at the crime scene by CSC officials as first responders seemed to have been a problem for a longer period in SAPS because there was a circular 26/3/2 dated 2007/05/29 promulgated by the office of the Divisional Commissioner: Visible Policing. The gist or essential point of circular 26/3/2 was poor conduct at the crime scene by members of SAPS, first responders in particular. This circular elucidated that first responders at the crime scene are hampering the effective police investigations and urgently instructed first members to take control of the scene until handover, secure the scene, deny all unauthorised persons (even members of SAPS) access to the scene, secure and protects all exhibits etcetera. SAPS crime scene protocols preceding circular 26/3/2 of 2007 was crime scene management Policy 2 of 2005 which governed the management of the crime scene. However, SAPS first responders seemed to have ignored or lacked knowledge about

such important official directives about crime scene management which were subsequently replaced by SAPS NI 1 of 2015. The purpose of SAPS NI 1 of 2015 is to regulate the management of the crime scene to improve efficiency of service. On the 31/03/2015 SAPS promulgated and disseminated National Crime Combating Forum (NCCF) instruction 10 of 2015. The significance or the main points of the SAPS NCCF I 10 of 2015 was still about the conduct at the crime scene. This instruction encompasses the recording of the crime scene to ensure effective and efficient investigation and compulsory completion of the first responder and crime scene commanders reports when attending the crime scene including burglary (see annexure K). The researcher's sole purpose to study organisational documents was to address the research aims and objectives of the study.

#### **4.8. PILOTING**

Seidman as quoted by de Vos *et al* (2011:349) posited that researchers should build a pilot venture into their proposals in which they try out their interviewing design with a small number of participants. According to Shakir and Rahmana (2022:1620) the objectives of pre-testing the interview schedule is to reveal unanticipated problems with question wording and instructions.

The researcher used three (3) CSC officials, three (3) detectives from Vosman SAPS, one (1) SAPS LCRC member and one (1) NPA prosecutor from Emalahleni to test and detect whether the questions were comprehensible and unambiguous. The researcher purposively used the strategy of requesting the commanders/managers to select relevant members for pilot interviews. The interview schedules were piloted on people who were potential participants in this research and they were also audio recorded and prior permission were obtained from them. Subsequent to the pilot interview, both the transcribed and audio recorded interviews were handed to the supervisor together with the interview schedules to check their correctness, consistency and whether the participants were quoted in verbatim. Because there were no flaws identified, the research questions were not corrected before the final interview schedules were utilised. Permission was granted by the supervisor to proceed with the interview of participants in accordance with the interview schedules.

#### 4.9. DATA ANALYSIS METHODS

Qualitative data analysis is a search for general statements about relationships among categories of data (Marshall & Rossman, 2016:150). The process of bringing order and meaning to the mass of collected data and structure is also referred to as data analysis (De Vos *et al*, 2011:397). On the other hand, qualitative analysis is the transformation of data into findings. This process involves reduction of the volume of raw information by sifting the significance from the trivial, identifying significant patterns, and constructing a framework for communicating the essence of what the data reveal (De Vos *et al*, 2011:397).

The researcher immediately after the very first interview started the analysis and prepared field notes. In order to generate rich data, the researcher gathered, analysed data and continuously adjusted it in order to generate a more detailed framework rich data. The researcher did not wait with his analysis until all data have been collected. According to Moser and Korstjens (2018:15) what emerges from data analysis will shape subsequent sampling decisions. This involves a process whereby you move back and forth between sampling, data collection and data analysis to accumulate rich data and interesting findings.

Theron (2015: 4) suggest that a rigorous data analysis and coding process enhance the credibility of the qualitative empirical research, because it provides in an accurate manner the views of the participants. The researcher employed the six-step method of analysing data introduced by Creswell (2014:196-200). The author presented the six step of data analysis in a chronological order, however indicated that researchers are at liberty to re-arrange the order in a way suitable for their studies.

Informed by Creswell (2014:196-200) six step data analysis method, the researcher organised and prepared the data for analysis by sorting, arranging and transcribing the data because the study involved the use of various information and sources. The next step of analysing data was to read through all the data in order to get a general view and possible meaning of responses. The researcher continued to the phase of coding by organizing and labelling the data into different categories of data obtained. The coding of

data was followed by the detailed description of the setting, people, categories and themes for analysis. Then, the researcher presented the results in a form of the findings. Lastly, the researcher interpreted the results or findings in line with answering the research questions.

#### **4.10. TRUSTWORTHINESS OF THE RESEARCH**

Trustworthiness is a standard or method used to ensure the quality of the study, whereby the researcher guarantee trust to his/ her audiences (Cope, 2014: 89). Furthermore, credibility, transferability, dependability and authenticity are considered as qualitative criteria in establishing whether other researchers will take the worth of the study's results into account. Wagner, Kawulich and Garner (2012:243) are also of the opinion that the usage of trustworthiness in qualitative research is imperative. The study should leave readers with a belief that its content is sufficiently authentic and trustworthy that its implications could be applied (Denzin & Lincoln, 2011:120). Kumar (2014:184) also emphasises that trustworthiness in qualitative study is determined by credibility, transferability, dependability and authenticity which reflect reliability and validity in qualitative research. Procedures utilised should be demonstrated in ensuring reliability of those methods and validity of the conclusions (Silverman, 2005:223). The researcher took into account qualitative strategies of ensuring trustworthy as discussed above.

##### **4.10.1 Credibility**

Credibility of the data could be attained through prolonged engagement, triangulation, persistent observation, peer briefing, referential adequacy and member checks. The researcher applied the above-mentioned strategies to increase the credibility of the research (Leedy & Ormrod, 2013:104).

#### **4.10.2 Transferability**

Transferability involves the possible transfer of results from one case to another (De Vos *et al* (2011:420). In this regard, the provision of sufficient information on the research context and informants by the researcher enables the reader to assess capability of the findings of being fit or transferable (Cope, 2014:89). The researcher used data from different sources to describe, elaborate, corroborate and strengthen the study's usefulness for other settings or to help other readers who need to compare their situation to the research in question. The research findings are transferable to the target population of sample A (CSC members) and sample B (detectives) of the Witbank cluster due to the representative samples that were drawn from the strata. The probability is based on similar training and guiding principles that apply nationally to all police officers of the South African Police Service. Furthermore, there is a high probability that the findings will be transferable to the rest of the LCRC members and NPA prosecutors who provide a service to the Witbank cluster police but since they were not included in the study it will only remain a probability. Their insight remains however very important as an objective measurement of the conduct of CSC members as first responders at crime scenes.

#### **4.10.3 Dependability**

Accomplishment of dependability occurs when other researchers agree with one another on the research process (Cope, 2014:89). A semi structured interview is one of the various data collection methods utilised by the researcher to enable the study's capacity for dependability. As such, the researcher posed similar questions for all participants without discriminating.

#### **4.10.4 Conformability**

Conformability is the researcher's aspect of objectivity and its influence on the research process and its findings (Moon *et al*, 2016:2). The researcher safely kept all the research findings and written data such as interviews as well as audio recordings, using software

with password for safe keeping. The study could be accessed by relevant authorities for future reference.

The researcher demonstrated that data collection and analysis were conducted in a rigorous and methodical manner in order to ensure trustworthiness. The researcher also ensured the credibility of the study by using various sources to describe, elaborate and corroborate the research findings. A clear and thick description of these findings was provided by the researcher to assist the readers who need to compare their situation to the current research study. The researcher further ensured that the whole process was transparent, clearly documented, logical and traceable. In that regard, it allowed for the audit trail of the research to be adequately conducted. During data collection and analysis, the researcher was thoughtful of bracketing, which allowed him, to avoid bias and also to ensure that the findings are more realistic and practical. Ultimately, building trust of the scientific worthiness of the research process and its findings was imperative in this qualitative research study.

#### **4.11. CONSIDERATION OF ETHICAL ISSUES**

De Vos *et al* (2011:129) defined ethics as a set of rules with accepted moral principles and behavioural expectations concerning the most correct conduct towards experimental subjects and respondents, employers, sponsors, other researchers, assistants and students. However, Denscombe, (2010:60) explained ethics as a system of moral principles by which individuals can judge their actions as right or wrong, good or bad. Social science researchers are expected to conduct and understand ethics, the range of commonly accepted and used moral obligations that allocate behavioural rules and expectations for directing socially acceptable conduct towards research subjects or human respondents, sponsors, employers, other researchers, students, and assistants. Denscombe, (2010:60) explained that ethics is basically a system by which individuals are able to make moral judgements of their actions as being as either proper or improper, bad or good. For that reason, social researchers should then uphold ethical behaviour in their research studies. The implication is that researchers must focus on prioritizing ethical values when designing and conducting their enquiries. In addition, research ethics are based on ideas and principles about what is right or wrong for the purpose of



preventing any possible harm or discomfort to the human beings that the researcher is engaged with (Singh, 2012:411).

As a general rule, participation in a study that involves humans, must not be forced or coerced and should be based on the information about the goals and methods of the particular piece of research (Flick, 2015:33). The researcher adhered to Unisa's policy on ethical conduct (UNISA, 2016) when conducting the research. The researcher ensured that the author or source of the work consulted for the purpose of this study was acknowledged in text citation and included in list of references. The researcher committed to ethical considerations by making a declaration about the originality of the study and attached a signature. The researcher obtained gatekeeper permission to interview the SAPS members and NPA prosecutors before resuming with interviews. The researcher also obtained an ethical clearance from Unisa.

The interviewees remained anonymous to ensure they answer questions freely and honestly. The researcher verbally explained to the participants that they will remain anonymous and they will not be identified. Participants were also required to sign participant consent form which clearly stated that their participation will be kept confidential and it also explained the purpose of the research. Furthermore, to ensure anonymity of the participants the researcher did not collect identifying information such as names, address or email address from the participants. The researcher used codes on the completed interview schedules to ensure that participant's identities were not revealed.

#### **4.11.1 Informed consent**

Participants must be competent to give consent and they must be aware that they would be at liberty to withdraw from the investigation at any time (Flick, 2014:54). The researcher ensured that nobody is coerced to take part in the research project since it is voluntary (voluntary participation).

#### **4.11.2 Avoidance of harm**

Subjects can be harmed in a physical and/or emotional manner. Participants were informed beforehand about the potential impact of the research and reminded that they were at liberty to withdraw from the research process at any time if they wish to do so (De Vos *et al*, 2011:58).

#### **4.11.3 Confidentiality/Anonymity/Violation of privacy**

It is imperative for the researcher to be sensitive to the identity and privacy of the participants at all times and refrain from topics that will violate their rights (De Vos *et al*, 2011:61). The researcher protected participant's right to privacy by means of strict confidentiality. Information given anonymously ensures the privacy of the participants. The researcher ensured continuation of privacy by using data pseudonymization method to conceal the identities of the participants (Bhandari, 2021).

#### **4.11.4 Deception of subjects or participants**

Deception occurs when the researcher lies about the research, or conducts the study without the knowledge of the participants (Sarantakos, 2013:18). Deception involves withholding information, or offering incorrect information in order to ensure participation of subjects when they would otherwise possibly have refused it. The researcher did not intentionally mislead the subjects or misrepresent the purpose of the research. Participants were not deceived in any way. No form of deception was deliberately inflicted on the subjects.

### **4.12. BRACKETING**

Bracketing refers to researchers deliberate monitoring of their own views and perspectives concerning the phenomenon that they are investigating, or what is already known to them in relation to a particular issue or matter (Carpenter, 2007: 75-99). According to Tufford and Newman (2012: 80), bracketing in qualitative research is applied for reducing the effects of any possible or preconceived ideas on the process of a research-based investigation. Therefore, researchers are obliged to first plan for their

bracketing strategies before they begin with the actual data collection and analysis, which are important in research due to their sequential inter-relatedness. The researcher has acquired valuable experience during his 19 years of service as a police official based at the CSC in the SAPS in Mpumalanga Province and is currently working as a Relief Commander. The researcher through his experience in Visible policing (VISPOL) personally observed that a significant number of SAPS visible policing members placed in the CSC seem to lack the knowledge and skills to conduct a preliminary investigation at burglary scenes. This is irrespective of the SAPS NI 1 (2015) that defines the role of the first responder to a crime scene. Based on the above-stated professional background and experience, the bracketing approach has helped the researcher to mitigate the possible effect and influence of his own preconceptions on the views of the research participants.

The researcher used semi-structured interviews with participants to collect data. The researcher used purposive sampling to ensure that each sub-group selected was involved in matters relating to crime scene management and preliminary investigation at the burglary scene and were also able to answer research questions relating to the topic. The researcher was able to ask focusing but not leading questions about the phenomenon and listened carefully while participants expressed themselves freely. According to Chan, Fung and Chien (2013:3) foreknowledge and suppositions limit understanding of the participants perspectives because we already know a great deal about the phenomenon. Chan, Fung and Chien (2013:3) further explained that this could inevitably introduce bias into the research. In order to avoid bias, during data collection and analysis, the researcher put in abeyance his repertoires of knowledge, experience, beliefs and values so that they do not contaminate participant's description of their experience in preliminary investigation at the burglary scene. The concept of bracketing was in the researcher's mind throughout data collection and analysis process. The researcher was able to identify areas of potential bias based on his 19 years of experience in VISPOL and minimized their influence by bracketing them. This involved efforts of self-reflection, self-awareness and the ability to put aside one's own knowledge and assumptions about the phenomenon. The researcher committed to the issue of bracketing to ensure that the

findings are close to what the participants mean as possible and in a more realistic and practical sense hence the aforementioned strategies (Chan, Fung & Chien, 2013: 7).

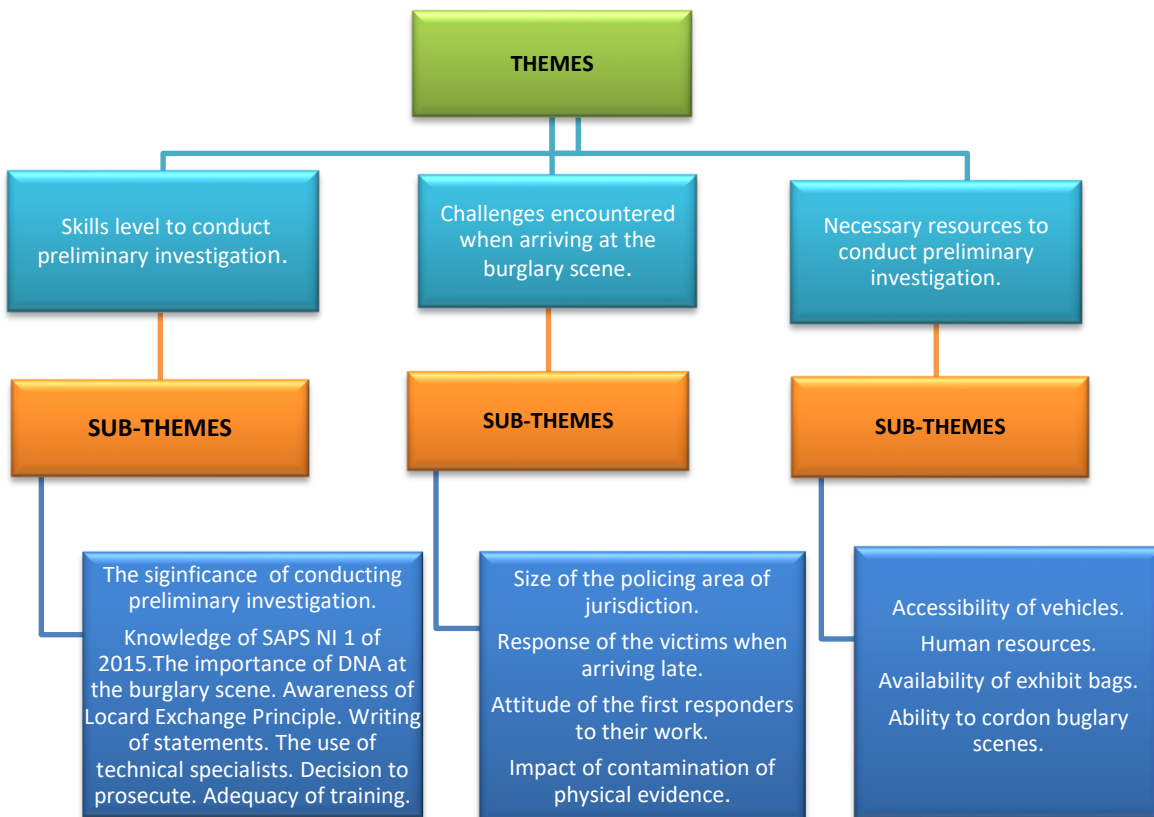
#### **4.13. SUMMARY**

The researcher used qualitative research approach as this allowed him to obtain first-hand information from one-on-one interviews with the participants. Philosophical worldview underpinning the study was presented in this chapter. Demarcation of a research is crucial so it was also detailed in this chapter. Chapter four also explained the target population of the study which consist of all the SAPS CSC police officials, SAPS General detectives, SAPS LCRC members and NPA prosecutors. An appropriate research design for collecting and analysing evidence was highlighted. Purposive sampling which is also referred to as judgement sampling was also discussed in this chapter. Semi-structured interview method with participants to collect data was explained. This chapter further explained the ethical consideration and trustworthiness of the study. The researcher bracketed his knowledge and experience to ensure that the findings are close to what the participants mean as possible and in a more realistic and practical sense. In the next chapter the researcher will present the findings of the study.

## CHAPTER FIVE PRESENTATION OF THE STUDY FINDINGS

### 5.1. INTRODUCTION

The study focused on preliminary investigation at the burglary scene by CSC officials and sought to find answers on the causes and consequences of poor preliminary investigation at the burglary scene. This chapter aims to identify and thematically analyse the data from the transcribed interviews. The participants (sample A, B, C & D) will be quoted *in vivo* to preserve the richness of their perspectives and to maintain confidentiality and data pseudonymization method will be utilized. The researcher summarized identified themes relevant to the analysis and hierarchically organised them in a meaningful way to ensure the relevance of the participants account to the interview schedule.



**Figure 5.1: Themes and sub-themes identified during data analysis**

Source: Compiled by the researcher

## 5.2. SKILLS LEVEL TO CONDUCT PRELIMINARY INVESTIGATION

SAPS CSC members (sample A) have the responsibility to conduct preliminary investigation at the burglary scene which amongst others include interviewing and obtaining statements from the complainants; victims and witnesses; apprehending suspects; searching the burglary scene itself; recognising and gathering evidence, secure the burglary scene, summon various crime scene experts like LCRC (sample C) and detectives (sample B) and opening case docket as part of preliminary investigation.

This section will discuss the significance of conducting preliminary investigation, knowledge of SAPS NI 1 of 2015, the importance of DNA at the burglary scene, the implementation of Locard exchange principle, statement writing, adequacy of training, decision to prosecute and the use of technical specialists at the burglary scene.

### 5.2.1 The significance of conducting preliminary investigation

Preliminary investigation in this context is the actions of CSC officials as first responders to identify the boundaries of the burglary scene, deal with all persons appropriately at the scene, to control, protect, preserve and safeguard the burglary scene amongst others until the scene is handed over in terms of SAPS NI 1 of 2015. The lack of knowledge and skills to conduct preliminary investigation by CSC members has the potential to compromise the outcome of the criminal case.

During the process of analysing data and identifying the themes the researcher discovered that not all participants were in *ad idem* on what preliminary investigation is. It was apparent that some participants did not even have an idea or understand what preliminary investigation is. Participants who did not understand what preliminary investigation was responded like this:

**Participant WKCP6:** I think is about investigating a case, like when a case of burglary is opened it is handed to the detectives to investigate what actually happened and also check if there was an observation statement in the docket. The

observation statement is written by CSC officials to confirm whether burglary has indeed occurred according to his observation or not.

The researcher made a follow-up question for clarity, just to verify whether the participant conduct preliminary investigation as a CSC member.

**Participant WKCP6:** Aowa preliminary investigation e dirwa ke detectives. Rena re no bula di docketts gomme detective ba tswela pele ka mmereko wa bona (No, preliminary investigation is done by detectives. We just open docketts and detectives take over for investigation).

**Participant OSCP20:** Uqhaza ukuthini uma uthi preliminary investigation? (What do you mean when you say preliminary investigation?) Actually, I don't have clear information about investigations because I was never an investigator).

**Participant LCP28:** I am not sure whether I understand when you say preliminary. I don't know, I am not sure what that is especially when you use the word preliminary, I am not clear. I don't have knowledge about that.

All participants were asked on how they understand preliminary investigation and they all expressed their views in this regard (see annexure E, F, G & H) however, one of the NPA prosecutors (sample D) was very scathing about the police conduct or skills level to conduct preliminary at the crime scene while explaining his understanding of preliminary investigation and he responded like this;

**Participant NPP39:** I understand preliminary investigation is done by uniform members at the crime scene before everybody arrives. They supposed to safeguard the crime scene to start with but that is not happening, even seniors in SAPS are not doing it. The police do not cordon the crime scene. They have to safeguard the crime scene; they have to find and interview witnesses to get information and write down their statement but they are not doing it. For example, we had cash in transit heist here the other day and instead of just cordoning the

scene they are walking around contaminating the crime scene. The colonel also drove the whole scene with his vehicle. They are not trained to safeguard the crime scene. As prosecutors, we don't really know what is happening at the crime scene at first, remember we are not directly involved but when I peruse the docket, I can see that there is a problem here, whether they don't know how to protect the scene or they are just arrogant. Whether they don't know what they have to do, that's another question. Uniform members are first responders at the crime scene so they must be trained like detectives. That's my view so that they know exactly what is expected from them at the scene.

The researcher interviewed 38 participants and 3 replied that they do not understand what preliminary investigation is. The number may sound small however; the presence of such members at the scene may jeopardize the entire investigation. The problem of lack of knowledge and skills in preliminary investigation will affect investigation and prosecution of suspects unless the members are willing learn and able to use such skills. It is important that all CSC members always remember that a crime scene is the first step in bringing justice to the victim. Poorly obtained preliminary information contributes to non-conviction of the perpetrators.

### **5.2.2 Knowledge of the SAPS NI 1 of 2015**

Controlling of the crime scene begins with the arrival of the first responder which is usually CSC officials until they handover the scene to the Crime Scene Commander who would ordinarily be the detective on standby. This is done by following the correct crime scene management procedures in terms of SAPS NI 1 of 2015, such as cordoning off the scene to prevent contamination and ensure that the scene remain as original as it was, removing bystanders and unauthorised personnel *etcetera*.

The question "what does the SAPS National Instruction 1 of 2015 contribute to your work as a first responder to a burglary scene" was posed to all CSC participants (sample A) since they are the first responders who conduct preliminary investigation with the understanding that SAPS NI 1 of 2015 was promulgated and disseminated to guide and assist them. All 12 CSC participants did not have knowledge about SAPS NI 1 of 2015.



This SAPS National Instruction clarify the roles and responsibilities of the first responders at the crime scene amongst others by also enforcing quality standards at the crime scene but all CSC members (sample A) did not have any knowledge about it. Only three quotes were illustrated because participant's answers to the question were almost the same. 11 CSC participants said "I don't know what SAPS NI 1 of 2015 is" and one said 'I don't have knowledge about it'. These were some of the responses;

**Participant DSCP25:** No; I don't know that.

**Participant VNCP11:** Qha, angiwazi ama codes lawo (No, I don't know anything about such codes).

**Participant KLP2:** I don't have a clue about National Instruction 1 of 2015. I have never been informed or read anything about National instruction 1 of 2015.

The researcher noticed that most of the CSC members do not know what SAPS NI 1 of 2015 is during the interview and decided to rephrase the question on the following participant KPL3 but still did not have any knowledge about it.

**Researcher:** do you have any knowledge about National Instruction 1 of 2015?

**Participant KLP3:** I don't have any knowledge about National Instruction 1 of 2015

**Researcher:** You have not ever been informed about this national instruction; even your commanders at the station have never informed you about it?

**Participant KLP3:** I don't know what it is.

This data supports the assumption that the significant number of SAPS members placed in the CSC seem to lack knowledge and skills to conduct a preliminary investigation at burglary crime scenes irrespective of the SAPS NI 1 of 2015 that defines the role of the first responder at a crime scene. This simply means that the principles of following the

correct procedure at the scene are not adhered to by CSC officials while they are in most instances the first to arrive at the burglary scenes.

### **5.2.3 The importance of deoxyribonucleic acid at the burglary scene**

Any material originating from the human body which contains cells with nuclei can be used as a source of DNA and it does not change throughout a person's life. The collection of DNA evidence from the burglary scene is a very important and powerful tool to link the suspect with the burglary scene. DNA can be used to identify who was present at a scene and exclude a person from further investigation. It can place a suspect in a home or room where the suspect claimed to not have been.

Almost all of the CSC members are not knowledgeable about DNA evidence at the burglary scene. Some of them even went as far as linking DNA evidence at the crime scene with a Buccal swab. There were 12 CSC participants (sample A) who were asked if they have any knowledge about DNA evidence and almost all of them lacked knowledge:

**Participant OSCP19:** I only have general knowledge about DNA not as evidence in police perspective and to add more on that I don't think other CSC members have knowledge about that and I can guarantee you that even if you can ask others, they will tell you that they know nothing about that.

**Participant WKCP6:** no, I don't have a clue about DNA especially at the burglary scene. I know that when suspects were arrested, they take their buccal sample for DNA. Furthermore, some of the things we learn them along the way like for example, on a case of rape when they put hair into exhibit bag and I take it from there that ok this is also important.

**Participant DSCP25:** DNA is a sample that is taken from the person like in the case of rape and is taken to a laboratory for analysis but I cannot tell if it can also be found at the burglary scene.

**Participant OSCP20:** no, I don't have knowledge.

**Participant SACP18:** No, like when you arrived at the charge office that detective was busy with DNA buccal sample, we don't do that so I don't have any knowledge about DNA evidence.

Based on the participant's responses, it is evident that CSC officials are not aware of the fact that DNA plays an important role in identification and individualization of the criminal at the scene. This means that if burglary scenes are not properly protected according to SAPS NI 1 of 2015, DNA evidence may go unrecognized and destroyed, consequently not be collected at all and if collected this may get the DNA compromised.

In light of the above it is unequivocally clear that CSC member's as first responders are not cognizant of the place where DNA could be found at burglary scenes such as points of entry. DNA of the suspect can also be obtained from objects which amongst others include the tools used during burglary, door handles, windows, cigarette butts, chewing gum, straws, abandoned clothing etcetera. Most importantly the CSC officials should be aware that DNA can be in a form of blood, saliva, hair, skin tissue or sweat and it can become contaminated or degraded. CSC officials should also bear in mind that some physical evidence DNA in particular, that needs to be collected and preserved may be very small for the naked eye to see, therefore the crime scene must always be protected.

#### **5.2.4 The implementation of the Locard exchange principle**

Locard exchange principle state that every contact between a person and another or between a person and a place result in the transfer of materials between them hence the phrase "every contact leaves a trace". This means that direct physical contact between the individuals and the crime scene leaves evidence behind. The theory behind the Locard exchange principle is based on the fact that it is impossible for an individual to act without leaving traces of their presence at the crime scene. For example, burglars will leave traces of their presence behind in a form of fingerprints, hairs or fibres from their clothing and take carpet fibres away with them.

The crime scene management process in terms of SAPS NI 1 of 2015 revolves around securing the scene, identifying exhibits, safeguarding these exhibits at the crime scene and to avoid contamination at all cost. All CSC officials (sample A) as first responders at the burglary scene did not have any knowledge about the Locard exchange principle. Detectives (sample B) were also asked the same question however, only two out of 12 detectives had knowledge about Locard exchange principle. Most of the participants replied by saying that they do not know what it is. The participants who explained their understanding about Locard exchange principle said;

**Participant SADP17:** I think if my mind still serves me well “loosely translated” is that if a suspect comes to the crime scene and fiddles with some items there, he can deposit traces of fingerprint or any DNA.

Researcher realized that the participant had knowledge about Locard Exchange principle and further asked: ‘Do you think CSC members have sufficient knowledge about Locard Exchange Principle since they are the first at the burglary scene?’

**Participant SADP17:** I doubt because if they had the knowledge, they would understand the importance of LCRC at the crime scene.

**Participant VNDP14:** I think is about whenever a criminal get to a place, something will be left behind. When you make contact with something, evidence will be left behind.

With the same follow-up question, the participant responded:

**Participant VNDP14:** No, I don’t think they have knowledge about Locard exchange principle. Training is needed because things are evolving including the justice system like the court. The types of evidence we were using previously is no longer working and there are lot of loopholes now due to changing of times. For example, you find that the complainant mentioned in the docket that the pots were clean but when I came back I discovered that they were used to cook and glasses

were also used by the burglars/thugs to drink and there is this tendency of the burglars eating in the house they have broken into before they left. However, CSC members does not take such pots as important for evidence but I also blame LCRC expert because they take their time to arrive at the burglary scenes. I think on the side of CSC members it is because of little knowledge hence I said training is needed about crime scene. For example, as a detective I know that if I found a hijacked vehicle I should not speak inside especially on the rear-view mirrors because we might find something but CSC members do not have that knowledge so they must be taken for a basic investigation course.

**Participant OSDP21:** Locard exchange principle is like when you see evidence or bullet here, there and there. You have to start from the first one to secure such evidence rather than just walking around.

**Participant OSDP22:** Locard exchange principle is all about lifting fingerprint, evidence or any clues like cigarette butts at the scene because if crime was committed criminal leave some clues at the scene.

Most of the participants do not have knowledge about Locard exchange principle. The Locard exchange principle is important to remember when arriving at the burglary scene and during the initial stages of crime scene. It is of paramount importance that CSC officials understand the concepts of Locard exchange principle because it emphasises the fact that there will always be evidence left at the crime scene due to the reciprocal transfer of the evidence when two objects come into contact.

### **5.2.5 Writing of statements**

The first tier of investigative process begins with the first responder attending the crime scene to determine whether the actions against the victims' property are of a criminal nature. In a South African context, CSC officials dispatched to attend a complaint after determining if a crime was committed, they open a case by interviewing and obtaining a detailed statement full account of what happened from the complainant, victim or witnesses. However, SAPS members are allowed to open a case and arrest the suspect

for example, if the victim or complainant is incapacitated or cannot be found and the police officer believes that burglary was committed and summon specialized personnel like crime scene technicians from LCRC to have that scene processed. SAPS member will write down the victims detailed statement of what had transpired taking into consideration that all elements of crime are met in such statement and the statement must be under oath.

The participants were not directly asked about the quality of the statements written by the CSC members as per A1 when opening dockets but this sub-theme emerged while analyzing the data. The question directed to the participants was “what are the mistakes usually found in the docket when you receive it” and some of the participants from the NPA (sample D) mentioned on numerous occasions poor statement taking by CSC officials. Participants replied like this;

**Participant NNP39:** firstly, the uniform members do not know how to write statements. They don't know the definitions of the crime meaning what must be in their statements. At the end of the day, we write inquiries or instruction to ask what about this and that is not addressed in your statement, obtain further statement to address these issues in the docket and that in itself delays investigation because of the poor statements. Both the complainants and police arrest statements are very poor in such a way that you have to issue instructions to address such matters. They also don't take necessary information from the community who were eye witnesses, even just to make a list of such people and contact details and give it to the investigating officer just to make things easier. The police don't interview people or ask who saw what happened and that is preliminary investigation. Now the detectives must start to search for witnesses while uniform members were at the scene, they saw all the witnesses but they did not enquire as to who saw what happened. To me it would be ideal for them to take statements immediately at the crime scene because memory fade overtime and the turnaround time for investigation would be shorter and much quicker.

**Participant DSDP24:** usually the A1 statement is badly written. The statements are very poor.

**Participant SADP17:** I don't know whether it is because of laziness by CSC members because they don't write proper statements. Their statements are always poor and if there is a suspect or a suspect has been identified we have to retake statements before you begin with your investigation and this obviously consumes much of our time in terms of the investigation. The state statements do not have elements of crime so that is why you have to go back to retake the statement.

**Participant NPP35:** Poor statement taking. All the elements of crime are not been covered in the statements. They don't take witness statements while the incident is still fresh in the witness memory, let me give you typical example, this weekend they attempted to hijack my niece as he was intending to drop off his friend, he was ordered by hijackers to get out of the car but he drove off and as he drove off, they shot him and is now in ICU. The police were called and he was still with his friend whom he was taking home but they never took his statement to date. When the case goes to court it becomes a problem with the credibility of the witness because he made the statement maybe three months after the incident. The defense will now say you went home and fabricated the story. This unnecessarily plays on the credibility of the witness. The police will not take witness statement at the charge office when the complainant came with his witness to open a case. The possible exonerating version of the accused is not being followed up. Most of the police when the accused gives his version, they think is a defense, the defense must be probed. If as prosecutors we find that the accused has got un rebuttable defense we don't enroll. Most of the time police don't write exonerating version of the accused on the warning statement. It is not true always true when the say accused said he will explain everything in court, more often than not an accused gave an exculpatory or exonerating version and that's is what is going to come during trial. The police like incriminating statement and will even write in full. They arrest people on whose elements they don't understand themselves. Some are chasing stats; they just want to arrest just to chase stats and some are overzealous. For example, the police officer will arrest a person for possession of

unlicensed firearm but he can see that this is a toy gun and as a police officer he knows a firearm, there after they phone the prosecutor for bail. When I explain to them there is no offence then it becomes a problem.

**Participant VMDP13:** members opening dockets they don't sign the certificate to confirm that they are the once who opened the case. Relief commanders also don't sign the certificate to confirm or commit that according to them they are satisfied that the case opened meet the required standards and also have the elements of crime. I think they don't read the dockets after they have been opened. That's the reason why we now have to give instruction to investigators to re-interview the complainant because you cannot understand or find sense from the statement. The statements are actually poor and cause a delay in the investigation.

**Participant PADP15:** no, I don't think so because the only thing they do at the burglary scene is to open a docket and thereafter they call me as detective on standby. And when you check the docket, they have opened sometimes is very disappointing, it does not say anything. You have to go back to retake statement from the complainant. Their A1 statement is sometimes very poor. I think they need training about the crime scene management because they are the once who arrive first at the crime scene.

**Participant VNDP14:** the statement is not detailed. You have to go back to the complainant to re-obtain statement. I think the problem is interviewing of victims, the statement is just brief and without important details, so you have to go back to the victim to obtain additional statement or retake statement.

Participants unequivocally stated that poor statement taking has the potential to compromise the outcome of the criminal case. Poorly obtained preliminary information contributes to non-conviction of the perpetrators and may even lead to civil litigation. The majority of participants expressed their dissatisfaction about the police statements which are poor and how they affect investigation and prosecution.



## 5.2.6 The use of technical specialists

The CSC officials are typically dispatched to the complaint of burglary and through the course of their response and documentation of the scene, if the police officer believes that burglary has occurred, then that officer must summon the relevant aides and expert or specialized personnel such as LCRC to have that burglary scene further processed.

LCRC member's responsibilities amongst others include attending to the crime scene for the purpose of documenting, collecting, packaging, transporting and analysing physical evidence to solve crime etcetera. There were contrasting views from LCRC members on whether they are being called by CSC members to attend burglary scenes. Some said they are not being called so they rely on a newly introduced SAPS BI system every morning to see burglaries reported and that's how they attend to such scenes, while others said they are being informed but not immediately. The question 'Do you think CSC officials always call relevant role players like LCRC to attend the burglary scene' was posed and the participant's (sample C) quotes were as follows:

**Participant LCP27:** No; they don't.

The researcher probed further to get a detailed answer or opinion from the participant as to why they are not being called to attend the burglary scenes as LCRC members.

**Researcher:** can you please elaborate on why are they not calling LCRC in your opinion?

**Participant LCP27:** they don't understand the importance or the role of LCRC in solving crimes. They just go there and look with their eyes and determine that there are no fingerprints or forensic evidence.

**Participant LCP29:** they do call us but usually they delay in calling us and when we arrive at the scene it is already late and the complainant has even fixed the place so it becomes difficult to investigate the scene.

**Participant LCP28:** No; they don't call us all the time. That is the reason why they have introduced what we call BI and we rely on it. They do report some of the cases but 60 % the burglaries are not reported and we are given these cases in the morning from BI and you will be surprised because you were on standby the whole night with the standby phone but you still get six new cases not attended on the BI the following morning and you only attended two for example. They don't report all of them and I don't know the reason why they are not reporting them.

**Participant LCP31:** No, they don't call us we only find out about burglary the following day on BI system.

The researcher made a follow-up question to the participant as follows;

**Researcher:** do you know why are they not calling you?

**Participant LCP31:** I think is a lack of training.

**Participant LCP32:** No, not all the time. Most of our cases we getting them from BI system, from the CAS and now is has even get to an extent that even trio crimes like robberies are not being reported to us. I don't know maybe they are aware that we can get the cases on CAS and they just decide not to report them. That's the reason why our positive cases are going down because is not always a fresh scene and we don't get the quality of the fingerprint we want. They don't always call us and the other thing is that they tell the complainant that you can't get a fingerprint here and they are not the fingerprint expert. I think that are some of the challenges we come across as LCRC members.

During the interview with the NPA participants, some of them even though they were not posed with the same question but their comments were relevant since they detailed the significance of the LCRC from the crime scene to the court room. The other one even went further by detailing that the police arrest the suspect at the scene and they get

excited, when the suspect bring exculpatory evidence in court such evidence cannot be rebutted because the relevant role players like LCRC did not attend the scene.

**Participant NPP37:** so normally the reason I would decline to prosecute such cases is because at the time when the docket is submitted to me for a decision normally most of the investigation is not yet done. You would find that there are no witnesses who witnessed housebreaking, the police have just “if they have done that” lifted the fingerprint from the scene to be send to Pretoria for analysis and such fingerprint would take time again for them to be compared on the data base so that they can be matched to a certain suspect. But if you find the police who know their job like they secure the crime scene and immediately call relevant role players like LCRC to check fingerprint and DNA and if that’s done correctly the chances of linking the suspect with the crime scene is very high and we can prosecute. If there are no witnesses who saw the suspect, fingerprint had not been lifted at the scene and furthermore the property is not recovered because if the property is found the person in possession of the stolen property should explain on how he got the property and such information should be followed up in order to arrest the suspect. If we don’t have such information we are not going to prosecute.

**Participant NPP40:** the police who attend the scene are the most important people. The police arrive at the scene and there are independent witnesses but police don’t interview and obtain their statements. They rely on the complainant’s statement only to crack the case and expect the investigator to get witnesses from the complainant and it will be late some cannot be trace. Witnesses will tell me what he saw and maybe he was not even involved but was just passing and has no interest in the case so such witness will be able to help the court to come up with the correct verdict but uniform members don’t obtain such statements. Not all the people at the scene are just spectators some are important eye witnesses. Sometimes the police don’t pick up important things like exhibit such as hat, shoe something for DNA and those are the important things that must be secured to assist in cracking the case. When you are at the scene you have to call LCRC for fingerprint but the police officer gets excited that I have got a suspect and in court

that suspect has an explanation or a version so you are unable to dispute it because the relevant role players like LCRC never attended for fingerprint or DNA.

SAPS General detectives receive case dockets from CSC police officials in order to conduct further investigation. They were also asked if they are being called by CSC members to attend the burglary scene and majority of the participants' (sample B) said CSC does not inform them. The question was "who summon you to attend burglary scene" some of their responses were;

**Participant DSDP23:** no one, usually detective on standby find the dockets in the CSC and they immediately attend to it.

**Participant DSDP24:** CSC members are not informing us about burglaries. They only inform us about serious crimes.

**Participant WKDP8:** we are not being summoned, we go to the burglary scene after we received the docket for investigation, like when we report on duty, we find burglary docket and that's when we attend the burglary scene.

**Participant VMDP13:** we find the dockets at the CSC and we take it from there. But I personally feel that there is a lack of communication between CSC members and detectives in this regard. For example, there are cases which need immediate attention by detectives and you are not aware of such cases. When the commander wants to close such cases especially if there are no suspects, that's where you realize that preliminary investigation was not conducted.

CSC participants' views were sought regarding calling LCRC to attend the burglary scene and the question asked was "how do you determine when to summon/call other role players to attend the burglary scene like detectives, LCRC and other technical specialists". There were differing views, some of them (sample A) said they observe the scene and decide by themselves if it is necessary to call LCRC to attend, others said they were instructed to call LCRC whenever there was burglary, one said it is difficult to find

LCRC and one said he assume that LCRC must just be called to attend the burglary scene. Below are some of the CSC official's responses;

**Participant PACP16:** I first check how entrance was gained and that determines whether I should call LCRC or not because sometimes you say it is burglary but only to find that the person just opened the door, entered and stole whatever he wanted and thereafter left the gloves on the scene. Then if it is like that, I call them. When we call LCRC they come and if they are busy, they will tell you and if they are not busy, they attend quickly. But we don't call detectives and it is just a norm that we don't call them but I think it is also important to call them because if I left something he may assist me.

**Participant DSCP25:** we were instructed that once we attend burglary, we must just call LCRC. It is compulsory and I am complying with an instruction even though you can see that there was no need. For example, you find that complainant sleep in that house so they will obviously tamper with the scene when arranging how they are going to sleep.

**Participant KLCP3:** we often experience difficulties because you must first phone back charge office so that they can call the role-players on your behalf. It depends on the seriousness of the scene. In burglary it depends on what you find, for example, if there is someone injured or blood or some items which might be of evidential value at the burglary scene, we call the relevant role players like LCRC and they often attend and we also call detective on standby to come to process the scene.

**Participant WKCP7:** I personally assume that if there was a burglary, criminals might have touched somewhere and therefore expert should be called because they might find something.

**Participant VNCP11:** if there is a fingerprint or palm at the place where entrance has been gained like at the window or door or if there is an instrument used at the

scene. But because these days they also take DNA I call them because they are more trained than me maybe they might find something which I cannot see with my naked eye.

It is highly improbable that CSC officials will be able to see all the physical evidence including transient and trace evidence that needs to be collected and preserved because some items may be very small. It is important that CSC officials enlist the help of LCRC members to search for items that may require enhanced examination and analysis at burglary scenes such as fingerprints, blood, body fluids, hairs, fibres and weapons etcetera. CSC members do not understand the importance and the role of LCRC in solving crime.

### **5.2.7 Decision to prosecute**

The prosecutors make the decisions on instituting prosecution against an arrested person based on the relevant facts and evidence presented by the police. Based on these facts, the prosecutor decides whether there is a prima facie case against the suspect and whether to proceed with the criminal case. If there is insufficient evidence or investigation is incomplete, the prosecutor may decline to prosecute or withdraw the case. The NPA prosecutors are deciding on matters of crime brought to their attention by the police and lead evidence in a trial.

NPA participants (sample D) explained that there are lots of factors to consider when they decline to prosecute a case. They elaborated that sometimes the reason to decline to prosecute burglary cases could be the fact that there is no prima facie evidence against the suspect, suspect was arrested based on hearsay, witnesses are not corroborating one another or investigation is not yet done.

**Participant NPP35:** If the accused gives an exonerating statement and it cannot be rebutted by any of the witnesses we are having in the docket we will decline to enrol.....

**Participant NPP36:** The police are supposed to obtain witness statements immediately at the crime scene and that would help because in order to enrol the case, there has to be prima facie evidence that link suspect because it might turn out that this is not the real suspect so it is preferable to obtain all eye witness statement on the scene at that moment or at that day because you must remember that human memory is extremely fallible. To follow up on someone after three months to give you statement and expect him to recall all the details of what happened can be very tricky for people.....

The information in the docket becomes the deciding factor for the prosecutor to decide whether to proceed with the prosecution or not. It is extremely important that all dockets contain prima facie evidence to the case and all necessary detailed and factual statements are attached in the docket for the prosecutors to come up with the correct decision on whether to prosecute or not. This will also assist the prosecutor to pursue the case through trial of behalf of the state.

### **5.2.8 Adequacy of training**

Training is about learning or teaching new skill or reviving what one knew and replace the old information with new information. Furthermore, training changes one's way of thinking, behaviour and feeling in order to improve employees' performance. There are measures or indicators utilised by different employers to motivate employees to perform better, such as Key Performance Assessment (KPA) to evaluate the employees, who have a duty of performing well and efficiently after receiving their necessary training. Training is a planned effort by an organization to help employees improve their performance at work.

Based on the information received when employees undergo on-the-job assessment, some organisations normally discover that there is a need for employees to undergo training on certain skills. For example, during the analysis of the data this sub-theme training emerged where majority of the CSC officials said they are not adequately trained to conduct preliminary investigation. The CSC participants (sample A) were asked this question "Do you think you are adequately trained to conduct preliminary investigation as a first responding officer?" and majority said they are not properly trained to conduct

preliminary investigation and when asked if they need crime scene management training, they all said they really need such training. It was only two CSC participants who said they think they are adequately trained. The two participants replied by saying:

**Participant PACP16:** Yes, in my case I think so, but when I check others, they really need thorough training. They don't know anything especially those who came from training recently. I think they need training because it is almost all of them not only one individual who lacks knowledge but everyone so they really need training about crime scene management.

**Participant WKCP6:** I think I have been trained because I can see if the suspect is lying or is telling the truth but I still need more training because there is lot of courses but I haven't attended even a single one.

However, the two CSC participants who said they are adequately trained to conduct preliminary investigation said they need training in crime scene management. Furthermore, 1 out of 12 CSC participants said she does not need training and below is her quote:

**Participant OSCP20:** qha, mina ngi right, angidingi training ye crime scene (No, I am fine; I don't need crime scene training).

The researcher made a follow-up just to ascertain whether the participant understood the question and rephrased it: Do you need training about preliminary investigation?

**Participant OSCP20:** ngi right, angidingi training (I am fine, I don't need training).

The researcher thought it was important to quote some of the CSC participants who explained how they really need this training since their comments confirms their lack of knowledge in crime scene management:



**Participant DSCP25:** we really need that training because I have personally noticed that we are doing wrong things because of lack of knowledge.

**Participant DSCP26:** when I look back, I realized that I have made lot of mistakes at the crime scene so I think I need more training about crime scene. Because there are some bad results about crime scene so I think I need training. When I realize my mistake that I should have done that, it is already late.

The question “do you think CSC officials are adequately trained to conduct preliminary investigation as first responders at the burglary scene” was also posed to other participants and with the exception of one of the 12 detective participants (Sample B) said CSC members are not adequately trained except one who said:

**Participant DSDP24:** I think they are adequately trained but they are negligent and lack of willingness to work. Sometimes they are very lazy to write.

Majority of LCRC participants (Sample C) also said CSC members are not adequately trained except two participants who responded by saying:

**Participant LCP28:** yes I think they are properly trained because if you check on serious cases they do well so I think on these minor cases is just human error. On minor cases I think they take things for granted; they don't make mistakes because they are not well trained. They are well trained.

**Participant LCP29:** because I am from CSC, I think they are adequately trained to conduct preliminary investigation but it is just that they are ignorant here and there. During my time I knew that once I finish at the scene, I should give feedback to radio control and also request them to contact LCRC, we have been taught that we should avoid lot of movements at the scene. As police, we have been taught what is important at the scene like if the suspect used the window to gain entry you cannot touch there. I once attended a scene and while taking the fingerprints on

the window the complainant said but the police officer was leaning on this window, so you ask yourself how a police officer can do that.

All NPA prosecutors (sample D) said that CSC members are not adequately trained. Due to the fact that all of them said CSC members are not adequately trained, only two quotes from NPA participants detailing why they think CSC members are not adequately trained to conduct preliminary investigation as first responders at the burglary scene are as follows:

**Participant NPP35:** Some and some are not adequately trained. On the scale of ten, I will say only 3% out of 10 know what they are doing. The whole 7% they don't know what they are doing. It is bad. The police cannot even write a statement.

**Participant NPP39:** No, I have already said that. They are not trained or they are lazy. I think they are not properly trained; more in the olden days the training was longer period and then you get trained better than just to do a three months course or whatever and that it is not adequate enough.

The researcher sought the views of detectives (sample B), LCRC (sample C) and NPA prosecutors (sample D) on how CSC performance can be improved and most of them recommended that CSC members need training. On the contrary, only Participant OSDP22 said CSC members will not change even if you can take them to courses.

The researcher thought it was important to quote the following participants even though their views were not in contrast but also recommended training for CSC members when they were asked "What do you think should be done to improve CSC official's performance at the burglary scene?" and they said:

**Participant NPP35:** you must have a natural propensity or temperament of being a particular person or a particular employee. What do I mean is that you cannot have someone who is naturally shy and cannot express himself or herself as a police. You must have that in you and then we take you to school to get training. You cannot be a police officer because you cannot find the job you were looking

for. You must be honest police with a passion who is also prepared to improve yourself not a check collector because even if we give you a proper training you are not going to change. You will be a typical government employee in South African terms. You come in as late as possible; you work as little as possible; you want to leave as early as possible; you complain as much as possible and you want to earn as much as possible. My answer is the opposite of what I have just said coupled with training. We need an ethical police force that is rooted in people's civil rights. The crux of what I am saying is that the police must be well trained but the police themselves must have passion. For example, you must ask yourself who's rights have you protected as a prosecutor today, have I protected someone's rights to the best of my ability. You must be proud of yourself and say today I have assisted these people. Obviously, you cannot conquer the whole South Africa but brighten the corner where you are.

**Participant NPP39:** Training, training and training but first of all the seniors must be trained to train the juniors. I also think the seniors are not trained. And that sucks, how you expect the juniors to perform 100% because they will say ooh this senior of mine, he also does not know. I was at the crime scene of the gang rape the other day and even the general had no clue what is going on at the scene.

Lack of knowledge and skills to conduct preliminary investigation affect not only the performance of the CSC officials but also the detectives. Cases would be withdrawn or not enrolled in court and this will in turn affect the victims negatively. Training is thus necessary to help CSC officials to develop skills so that they can conduct preliminary investigation better and consequently increase the chance of investigative success. CSC members as first responders should have understanding of the investigative process and also be knowledgeable about forensic evidence and its location, processing and handling.

### **5.2.9 Quality of communication between LCRC, detectives and CSC members**

Communication is a way of exchange of information between two or more people and it requires both the sender and the receiver of the message to complete the communication link. Effective communication is thus important in SAPS because it boost productivity and morale of the police.

During the interview the researcher discovered that there is a lack of communication between CSC officials, detectives and LCRC hence the sub-theme communication emerged. Over half of detective participants mentioned that they are not being informed to attend burglary scenes, they just find the dockets in the CSC and that's how they start their burglary investigation. Some of LCRC members said they are not being informed of the burglaries, so they rely on SAPS BI system every morning to see burglaries reported while others said they are informed but not immediately.

**Participant VMDP13:** we find the dockets at the CSC and we take it from there. But I personally feel that there is a lack of communication between CSC members and detectives in this regard. For example, there are cases which need immediate attention by detectives and you are not aware of such cases. When the commander wants to close such cases especially if there are no suspects that's where you realize that preliminary investigation was not conducted.

**Participant LCP29:** I think there is miscommunication in the charge office because there is no specific person that dispatches the information to LCRC. Sometimes is the CSC that dispatch information and sometimes is the radio control and I think that causes confusion among them and that's where the delay comes in. Sometimes the complainant will tell them that this is only for insurance purposes and they won't tell us and sometimes they see maybe on the video that the person was wearing gloves then they decide that there won't be fingerprint here; then they don't call us while if we were called we could have found something like DNA or something else apart from the fingerprint. They just conclude that because the person was wearing gloves, there is no need for LCRC.

Communication is a vital tool in SAPS, failure by different section or units within SAPS to communicate effectively among themselves may lead to negative perceptions in the eyes of the community. For instance, when the CSC officials open a case and promise the victims that detectives or LCRC will come but they are not being informed to attend the scene, this creates an impression of unprofessionalism. To correct this, there has to be improved communication and interactions between these units to enhance service delivery. The Shift Commander or specific person to the task should immediately communicate and inform the relevant people like detectives and LCRC to attend the crime scene whenever is necessary. Communication is a key to success.

SAPS NI 1 of 2015 clarifies the roles and responsibilities of the first responders at the crime scene amongst others and it was promulgated to guide and assist them. However, all CSC participants did not have any knowledge about it. The presence of CSC members who lack of knowledge and skills in preliminary investigation at the scene will certainly jeopardize the investigation in many ways. It is evident that CSC officials are also not knowledgeable about DNA at the burglary scene. This means that DNA evidence may be destroyed or compromised especially because they don't cordon the scene. NPA prosecutors asserted that one of the reasons they would decline to prosecute a case is insufficient evidence against the suspect so it is important that LCRC is summoned to collect DNA evidence to link the suspect with the scene. Training is necessary since almost all CSC members said it themselves that they are not adequately trained to conduct preliminary investigation and they really need training. Skills and development of CSC officials will certainly lead to improvement in productivity.

### **5.3. CHALLENGES ENCOUNTERED WHEN ARRIVING AT THE BURGLARY SCENE**

There are numerous challenges at the crime scene that may negatively affect the proper processing of the scene such as the large size of the policing area of jurisdiction, attitude of first responders to their work, response of the victims when police arrived late at the scene, contamination of physical evidence and neighbourhood watch interference etcetera. A crime scene which is not managed properly would lead to either loss of evidence or render such evidence inadmissible in the court of law. Failure to address these challenges timeously during this vital stage may adversely affect the entire

investigation. Suspects may even erroneously be exonerated by the courts due to this ineptitude. The aforementioned challenges will be discussed in this section.

### **5.3.1 Size of the policing area of jurisdiction**

Every police station in South Africa operates within a territorial jurisdiction or geographic area where the local police attend to complaints of the general public and exercise basic police functions in terms of section 205 (3) of the Constitution of South Africa. The SAPS CSC officials serving at a certain police station cannot willy-nilly attend or serve complaints at the neighbouring police station area of jurisdiction without the authority from the commander. However, a victim of crime can open a case at any police station regardless of where they stay or where the crime has occurred. The docket will then be transferred to the relevant police station if the crime scene is outside of the jurisdiction of that particular police station.

During the interview the CSC participants lamented that their areas of jurisdiction were very large and numerous of complaints with shortage of resources such as patrol vehicles and personnel as the contributing factors in responding late to the burglary scenes. The theme “area” emerged when CSC participants were asked “How long in minutes do you typically take to arrive at the burglary scene?” and these were some of their responses:

**Participant OSCP19:** it depends on the distance because our area is scattered and is dominated by the mines. But it should be about 20 minutes and the distance obviously affect our response. For example, there is a farm which is about 25 km away from the police station and to attend to that farm you drive on a dirt road which is not drivable. It is not a smooth road. You take a lot of time to reach that place because for your safety you will be driving 40 km per hour to attend so you are going to take long to come back and this affect our performance as police.

**Participant VNCP12:** we have lot of complaints and our area is very big so that’s the reason why we sometimes arrive late at the burglary scene. Our reaction time is affected because we get complaints on top of other complaints. We get lot of complaints.

**Participant OSCP19:** because our area is very scattered, the distance influences the delay.

The majority of the CSC participants were cognisant of the fact that by swiftly responding to burglary scene, the police could arrest the suspects either at the crime scene or in the vicinity and they could also secure and collect physical evidence before it is contaminated or destroyed. They could also interview witnesses before they have left the scene and encourage victims or witnesses' cooperation by signalling efficiency and dedication. This was confirmed when the question "what are the potential risks or consequences of responding late to the burglary scene" was posed to them. The researcher posed the same question to LCRC participants (sample C) as the crime scene expert to ascertain the significance of responding early at the scene and their answers were in acquiescence with those of the CSC participants mentioned above confirming that late response to the scene could result in contamination of physical evidence.

The longer response time increases the likelihood of the crime scene being contaminated. For the crime scene to remain in situ rapid response by CSC members is a major mechanism that can accomplish that. The size of the police stations area of jurisdiction exacerbates the burden of the CSC officials.

### **5.3.2 Response of the victim when arriving late**

From the moment a complaint of burglary is reported to the police, that means there is a victim or complainant to the crime whether they are physically present at the scene or not. A victim can be any person who suffered physical or emotional harm, economic or property loss or damage to property as a result of crime.

The main objective of attending the burglary scene is to determine whether a crime was committed, control and secure the scene, documentation of all the facts pertaining the complaint in question and open a case. However, the police sometimes find chaotic situations and traumatized victims and they are responsible to control such situation including identifying and interviewing of victims and witnesses. Despite such situations,

the police are expected to interact with the people found at the crime scene in order to get preliminary information. The actions and conduct of CSC officials at the burglary scene may affect case negatively or in a positive way.

When the researcher analysed the empirical data he discovered that some CSC participants were being verbally abused and threatened as a result of their late arrival at the scene. The CSC participants (sample A) were asked “What are the potential risks or consequences of responding late (delay) to the burglary scene?” and they responded as follows:

**Participant WKCP6:** When you arrive at the given complaints the victim or his family are angry towards you for responding late and when you talk to them they respond in a disrespectful manner. This leads to us rushing things, even when interviewing complainants, we are quick as if we rushing to our own personal matters and we end up not sympathizing with victims and consequently they view us as people who are inhuman. But I think it is because of shortage of the vans or resources and complainants do not feel like they are getting service they expected. We don't even comfort them, we are always rushing, and we just quickly write statement and continue to other complaints without even showing sympathy because charge office is becoming impatient because they think we are just dilly-dallying at the sectors. When you check, we have only two vans for the whole area and the police are also few. For example, even if you have a serious matter at home to attend like a funeral you don't go because you know that you were only four on duty. When you don't attend family matters they assume that you think you are better now because you are a police officer. At home they don't understand our pressure at work. Complainants also they don't understand the pressure and workload we are having as police. When you do this quick, quick, you attend first, second and at the third complain they will be insulting you for waiting for long time for bakkie. This thing of the community attacking the police is because they think that we don't do our job as police. According to me this is the cause of police attacks by the community. We are being insulted at the crime scene and they can even burn the van. There was a time where the community members even lifted



the van while I was carrying the R5 assault rifle and I pleaded with them not to do that, so if situation like this happens you will end up shooting and you will be blamed, if you don't shoot they will say a police was killed while carrying an R5 rifle, why didn't you shoot.

**Participant KLCP2:** you can find the scene of crime already tampered and when we arrive at scene the victim will be angry and shouting at you that I phoned you so long and you come after 40 minutes and the suspects have already left the scene, so will be difficult to get the statement because the victim is angry at you as a police officer.

A follow-up was made by the researcher to get a context on what CSC members are going through as a result of arriving late at the scene: "What do you do when you arrived at the scene late and the victims are shouting at you?"

**Participant KLCP2:** we just try to calm the victims or complainants down by explaining the situation to them. If the victim is still angry, you can give him or her some time to relax and thereafter you can try to obtain the statement of the victim. But if they are still fighting there is nothing you can do, only to conduct the scene and do your job and try to get some more evidence that you can find at the crime scene and make sure that the family is not disturbing or interrupting in that crime scene because of the evidence that can be tampered there in that scene. Once they are ready, that's when we obtain their statements.

**Participant OSCP20:** we use one bakkie in our area so if we are busy with a serious complaint which you must finish properly and we are sent to attend for example burglary in progress while still attending to that other complain it becomes a problem because when you arrive at that burglary scene, you find community members waiting and they start to insult us calling us names and they would not understand that we were attending another complaint.

**Participant KLCP3:** complainant will phone and expect the police immediately and they don't understand that we were still attending other complaints. Ninety percent of the complainants won't understand the explanation of work load and using one vehicle for the whole area.

Victims of burglary don't only experience loss of property but also a feeling of violation because the burglars would have invaded their private space. Despite the challenges faced by the CSC officials at the burglary scene, the victim's emotions should be regarded because what they expect from the police is professionalism, empathy and humanity. The police's good communication and professional conduct may defuse conflict with the victims and family members at the scene. Victims play a central role in criminal case processing and sometimes they may be reluctant to give information to the police because of their preconceived opinions about them. The cooperation of victims and witnesses is crucial to achieve successful investigation and prosecutions of suspects.

### **5.3.3 Attitude of the first responders to their work**

Attitude is a belief and opinion a person holds about things, people and events and can be positive or negative feelings that affect their motivation and also influences their behaviour. Positive attitude in the workplace is essential because it can enhance productivity and success. How the employee act daily significantly impacts the image of the organisation. Employee attitude is the positive or negative display of motivation an employee show. In the SAPS CSC official's context, it can be displayed towards their duties, client's service (victims, complainants or witnesses), colleagues, commanders or in SAPS as a whole. A productive and effective workplace relies heavily on employee wellness and mental health.

All CSC participants believe that their performance is very good under the circumstances. However, they lamented the shortage of resources, the large area of jurisdiction and lack of training as some of the factors that adversely affect their performance including late responding to the crime scene. There was a stark contrast on other participants (sample B, C and D) when their perspectives were sought regarding CSC official's performance at the burglary crime scene. The question "do you think CSC members perform their tasks

fairly and effectively at the burglary scene?” was posed to all the different groups of participants purposefully to get their perspective regarding CSC performance at the burglary scene.

There were differing views from the general detective participants whereby a third of the participants said they are performing effectively. Participant WKDP8 sympathized with CSC members and he put the blame squarely at the shortage of personnel and elaborated that this is the cause of poor performance by CSC members at the scene. Below are some of the contrasting views from detective participants:

**Participant DSDP24:** Some do work effectively some they don't. Some they even go extra mile while others they don't. Some they do everything according to the book while others they don't and others see it as another crime scene and they just open a case and go back to the station.

**Participant WKDP8:** no, they are not performing effectively but sometimes we have to be honest; the shortage of personnel also contributes to this thing of CSC officials rushing things because our station is busy and members attending complaints are very few hence they just quickly touch and go to the next complaint. They are always in a hurry for other complaints and this result in obtaining poor statements and we rely in those statements so the big stations must be given enough personnel and other resources.

**Participant PADP15:** I can say they perform fairly at the scene but they need training here and there.

**Participant KLDP4:** they perform their duties fairly but not effectively because if they were performing their tasks effectively because if it was about effectiveness, we would not complaint about the crime scene because crime scene management applies to each and every police officer that goes out to attend a complaint especially first responders need to give us the right things to work on.

**Participant KLDP4:** yes, I think they perform their tasks fairly. Like I said they are not trained, they don't know what to do. You will find that they are all over the scene touching everything because they are not trained, they don't know how to conduct the crime scene.

**Participant SADP17:** I don't think they are doing their work effectively because we keep on returning to the crime scene to rectify their mistakes including retaking of statements.

**Participant VMDP13:** no, they are failing the community. They are not empathetic; is like they don't care about other people's feeling.

The same question was asked to LCRC participants and they also expressed differing views. Just over half of LCRC participants said CSC officials are trying but also put the blame on the lack of training and shortage of the resources.

**Participant LCP33:** I would say they do their job effectively but sometimes they don't focus because of the shortage of the resources like vehicles and members, so that's why they are always in hurry and this led to mistakes and contamination. We cannot blame them all the time while we are aware that shortage of the resources is national crisis. So, I cannot say they are not performing, if they have the resources they do their best. There is a station which reports everything in time and if you don't find the address they are willing to assist you to get that address.

**Participant LCP28:** I will say they do their job fairly under the circumstances but there are mistake here and there.

**Participant LCP29:** no, I cannot say they perform hundred percent and they are not completely wrong but the basic line is that if they don't perform correct at the scene; that automatically contaminate the scene. I think they don't take over the scene as first responders. They don't give clear instructions that "guys please don't touch until LCRC arrives" because when we arrived they would say the police

never told us not to do that, had they told us we wouldn't have done that. CSC does not inform family members that they should not touch the scene until we come.

**Participant LCP30:** most of them are trying but it comes down to training and lack of the resources. Just like us our entire unit is running stuck with only four vehicles for the whole area and in uniform is even worse with the resources left to the members.

**Participant LCP32:** maybe because I am not 100 % sure what they are supposed to do but I once found CSC members eating breakfast on the crime scene literally. So, they mostly contaminate the scene.

There were also contrasting views from NPA participants as just over half of the participants said they perform better when the same question was posed to them and some of the responses are as follows:

**Participant NPP35:** it depends. Some yes but some no. But I think it goes with years of experience and the higher they go with ranks the better though sometimes you find a high-ranking officer who knows nothing. Again, it is also important on how you came to CSC because if you were from MIC office presenting stats and suddenly you are promoted to uniform to attend the crime scenes, that is a problem and this is what is happening in SAPS. This person has lot of experience but not in the CSC and we expect perfect statement from this person. But not everyone is bad there are good police officers in SAPS.

**Participant NPP36:** It appears to me that the police are chasing stats for arrest. The police are chasing stats rather than focusing on preventing crime, they just want to arrest without thoroughly investigating or following up on the information they got from the crime scene. Witness statements are not taken.

**Participant NPP37:** at some crime scenes yes, but it is amazing when coming to high profile cases for example, let's say a woman was killed and buried in a shallow

grave. I tell you that they do everything accordingly (they take serious crimes seriously). In other words, they know which expert to call for which evidence they would not temper with the scene, the scene is well cordoned off and their statements are proper but when it comes to normal theft they don't do their job correctly.

**Participant NPP40:** No, they are not fully equipped. No resource. It is the same.

With so many contrasting views from the participants, some even mentioned lack of training and shortage of resources, it is apparent that all is not lost especially because CSC members themselves unequivocally stated that they need training. Negative attitude can be distracting at times and this can have a bad influence at others. Employees may convert negative attitudes to good ones with the correct amount of support and acknowledgement.

#### **5.3.4 Impact of contamination of the physical evidence**

The impact of evidence contamination cannot be reversed. Hence, the CSC officials should at all times avoid contamination, which could be caused by incompetency and lack of skills, or a careless and haphazard approach to the burglary scene. Handling of physical evidence in a careless manner can result in contamination. Victims and witnesses walking around the scene can also contaminate evidence. Destruction of evidence results in a case being struck off the roll in a court of law. As such, it is very important to preserve and prevent contamination of evidence at all times.

All the CSC participants seemed to understand what contamination is all about and were in acquiescence that at some point they contaminate the scene. The views were sought from them on how it can be prevented and their answers centred around securing the scene, training and swiftly responding to the complaints. Quotes of some few participants are:

**Participant DSCP25:** I think training is needed because we sometimes don't know what we are doing ourselves because you go to the burglary scene and take

stationery and interview complainant at the cordoned scene; sitting down and write on the table at the crime scene; that is wrong but we are doing it so we need more training about these things.

**Participant OSCP20:** contamination can be prevented by having extra bakkies so that when we are still at certain complain others can continue with other complaints.

**Participant PACP16:** I think if we can respond immediately to the burglary scene, that can prevent contamination of the crime scene.

**Participant SACP18:** CSC members must be taken for crime scene management training course.

Participant SACP18 explained that neighbourhood watch also contribute to crime scene contamination. A neighbourhood watch is a voluntary group formed by the community to guard against criminal activities that occur in their area. A neighbourhood watch is neither a security company nor police service, works together with these entities, hold meetings together and discuss matters that are of common importance. It is a very effective organisation since they are the first to know about the criminal activities in the area. Neighbourhood watch is one of the most effective ways to combat crime in the neighbourhood. An effective neighbourhood watch assists in regaining areas from criminals. The neighbourhood watch work in conjunction with the local police and armed response organisations to make a formidable team against criminals.

Community members are encouraged to fight crime in their neighbourhood by joining their neighbourhood watch. Over and above that, neighbourhood watch is also encouraged to report any suspicious criminal activity to the police and not to intervene. CSC officials as first responders are always expected control access to the scene in terms of SAPS NI 1 of 2015 to ensure preservation of evidence and minimize contamination.

**Participant SACP18:** our area has a neighbourhood watch so usually when you get to the scene they are already there first because they call each other and they are investigating themselves as to what happened and most of them they have knowledge of how to investigate or to protect the scenes. They want to do things their own way; they give us problems at the scene. We have a very strong and working neighbourhood watch that is why our crime is very low. They are very good but at the same time they are interfering with the police duties at the crime scenes. This neighbourhood watch do patrols and they communicate via radios so if a crime has occurred they communicate and that's why in most cases we find them first at the crime scene. When a crime has occurred, they call each other first before they call the police so that's why we always find them at the scene. They even try to investigate but in their investigation, they may tamper with the crime scene.

This implies that even people who work in conjunction with the police like neighbourhood watch can wittingly or unwittingly contaminate the scene. They should therefore be cautioned about tampering and contamination of the crime scene. From the time CSC members arrived at the burglary scene until the scene is released at the conclusion of the preliminary investigation, it is essential that the scene remain in situ and this will ultimately result in successful investigation and prosecution.

It is fundamental that police respond swiftly to burglary scenes to prevent crime scene contamination because unattended scenes remain unprotected and more vulnerable to contamination. Every time someone enters the burglary scene, they may bring contaminants in with them and when they leave, they may take evidence with them. It is extremely important for the burglary scene to be made secure and restrict access so as to avoid unnecessary contamination to the scene. Crime scene management is essential in the investigation and prosecution of the suspect.

The large size of the police stations area, shortage of vehicles and numerous complaints are some of contributing factors to late responding of the police to the scenes which result in crime scene contamination. LCRC participants as the crime scene experts confirmed



that the potential risks and consequences of responding late to the burglary scene result in contamination of the physical evidence. It is the responsibility of the first responders to ensure that unauthorised people are not found in the cordoned off crime scene. The community does not tolerate poor service by the police and thus consequently verbally abuse and threaten them. From one complaint to another, the CSC officials would feel overwhelmed and emotionally drained because they are aware that they cannot meet the community's demands and this may result in burnout. The animosity between the police and the public can only be resolved through professional and dignified service to communities. The preservation and prevention of contamination to the physical evidence at the scene is of cardinal important in the investigation and prosecution of suspects.

#### **5.4. RESOURCES FOR THE PRELIMINARY INVESTIGATION**

From the moment crime is reported until the crime scene is released the ultimate goal of all the relevant role players including first responders is to attain justice. The first step in bringing justice to the victim is to conduct investigation at the scene. The successful outcome of the case depends on how well the first responders protected the scene. During this stage, following proper procedures in terms of SAPS NI 1 of 2015 is crucial to guarantee the high quality of evidence and thus support an effective investigation. Most importantly, first step in processing a crime scene is to secure it and this begins when the first responding officer arrives at the scene.

The CSC officials as first responders are expected to execute their tasks to the best of their ability to ensure professionalism and thus expected to have the necessary tools of trade to ensure service delivery to the community. The question "Are you properly equipped with the necessary resources (enough personnel and other resources) as first responding officer to conduct preliminary investigation?" was directed to the 12 CSC participants (sample A) to determine if they have necessary tools of trade. They all lamented shortage of various resources which affect their performance and their answers to the question also led to the emergence of the different sub-themes such as vehicles, manpower, exhibit bags and cordoning tapes. Because the NPA is a separate department from SAPS and they make decisions to prosecute or enrol cases based on the relevant facts and evidence presented by the police including the preliminary investigation by first

responders in the form of a docket, the researcher thought it was important to ask the same question to NPA participants to get their views on this matter. All NPA prosecutors (sample D) said CSC officials are not adequately equipped with necessary resources to conduct preliminary investigation.

Because there were no contrasting views from NPA participants regarding this issue, only three quotes were made below for context:

**Participant NPP38:** They don't have enough resources especially personnel. I have a case where the police did not respond to an accident and they said they were still attending another accident. The police did not attend until victims were taken to the hospital.

**Participant NPP39:** No, definitely not. To start with lack of transport, they don't have the vehicles, using only one or two vehicles for the whole district and if there is an accident on the N12 and robbery in town where do you attend? And all these mines and toyitoyi and what what there it is difficult for the police to be all over. My wife the other day was complaining about housebreaking at the primary school, she waited for five hours for Vispol just to attend the scene there and is not that only. There are lots of complaints even witnesses will say we made citizen's arrest but when they phoned the police no one is coming to take the suspect and they had to take the suspect to SAPS themselves. It is really a problem.

**Participant NPP40:** No, they don't. The police do not have resource. Unfortunately, they don't have resources they are sharing. They don't have support from their managers; you are on you own. There is no support, no resource and I have never heard that police who attended a very serious crime scene after the scene they will be people to debrief them. Police are human beings but they are not supported and they get traumatized as well but the following day you come to work and there is no session whatsoever so there is no support. This thing affects others in their marriages.

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<sup>3</sup> Toyitoyi is dancing and singing revolutionary songs by protesters in political protests in South Africa.

There are multiple of resources necessary to assist CSC officials as first responders to conduct preliminary investigation at the scene such as vehicles, human resource/manpower, exhibit bags and cordoning tapes etcetera.

#### **5.4.1 Vehicle accessibility**

The sub-theme “vehicle” is a mode of transport used by CSC officials to patrol areas, attend complaints quickly and arrest suspects. CSC officials need reliable and safe police vehicle to attend complaints and getting to the crime scene as soon as possible to secure and prevent contamination. These police vehicles would ordinarily come with detaining canopy already installed to transport arrested suspects to the police station, court and to the correctional centres. SAPS patrol vehicles which are also referred to as bakkies<sup>4</sup> by the CSC participants respond to complaints and allow large areas to be covered in a short period.

The CSC participants were not asked a direct question about the access or the availability of vehicles/bakkies. The question posed to them was “Are you properly equipped with necessary resources (enough personnel and other resources) as first responding officer to conduct preliminary investigation?” and whilst answering the question they also mentioned shortage of vehicle and that’s how the sub-theme “vehicle” emerged. Though there was no direct question regarding SAPS vehicles, 8 CSC participants explicitly mentioned shortage of vehicles as a big problem when answering the above question. Some of the CSC participants said:

**Participant SACP18:** No, we are not properly equipped. For example, our area is a farming community and our vehicles are over 300 kilo meter on the clock, we driving old vehicles in this wide area which consists of many farms. This vehicle runs for 24 hour a day. They break all the time. Seemingly we are not of a priority especially because we are a captain station. We don’t have manpower, we don’t have vehicles we are short of personnel, and we are very few. We are not being

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<sup>4</sup> Bakkies are SAPS patrol vehicles used by visible policing members including CSC officials to patrol areas, swiftly respond to complaints and arrest suspects. These police vehicles would normally come with detaining canopy already installed to transport arrested suspects.

well taken care off by the state. We are five in the shift and if one member is on leave and the other one book off-sick we are left with three members on duty. It happened last week. While one member was on leave two booked off-sick then only two members reported on duty. We cannot work like that, it is strenuous. This does not only affect us but it also affects service delivery.

**Participant PACP16:** No, we don't have enough resources. We are six in our shift but sometimes we report on duty without patrol bakkies. Like for example, the bakkie we are using today when it is raining it has a leak inside. We don't have bakkies. When coming to personnel we also have a serious challenge. Sometimes only two police officers can report on duty and it seems absenteeism is like a norm in this organization and I cannot tell you what the root causes of this absenteeism are. I remember there was a time where only two members reported on duty while we were seven in a shift and it was month end. And you can imagine how busy it was especially month end and only two members reported on duty.

**Participant WKCP7:** we are lacking here and there, like vehicles is a big problem. Our area is very big and we normally use 3 vehicles which is not enough for all sectors. They should provide each sector with two vehicles so that one can patrol while the other one is attending complaints.

According to participant PACP16 they are facing a serious shortage of vehicles to an extent that sometimes they report on duty without a patrol bakkie. Residents living within such police station area of jurisdiction are left vulnerable as a result of the shortage of vehicles. To keep the community safe and secure is not an easy task but slightly better with the assistance of police vehicles. Vehicles in SAPS are the most important tools of trade to enhance service delivery. Adequate and reliable vehicles that meet SAPS operational and service delivery capabilities are vital.

#### **5.4.2 Human resources**

Human resource is a person or an employee who work for an organization. The concept human resource or manpower in this context refers to extra SAPS CSC police officials to

assist in reducing the workload endured by the police attending complaints including burglary crime scenes (see table 4.1, chapter 4).

During the interview, majority of CSC participants lamented shortage of personnel and other resources such as vehicles. They are calling for SAPS to provide adequate resources to assist in the fight against crime. They said they receive lot of complaints and as a result, they cannot properly conduct preliminary investigation at the scene. Almost all, except one of the CSC participants categorically stated that they do not have manpower to attend complaints. The odd CSC participant WKCP7 did not mention anything about personnel or manpower but only said shortage of vehicles is a big problem. The researcher thought it was important to quote Participant OSCP19 because when he started to answer the question he seemed or sounded to be content with everything regarding the resources in SAPS but whilst he continued to explain he was not pleased with personnel at all and he said:

**Participant OSCP19:** I personally believe that am properly equipped because it is rare to report on duty and not find a vehicle to use and in that vehicle I find necessary tools like cordoning tape. There might be issues here and there but there will always be a bakkie to attend complaints. Furthermore, our bakkies have blue lights, siren and everything so I will be lying to say we are not properly equipped. But when coming to personnel, that's big problem, like we are five per shift and once a member book off sick while the other one is on leave it becomes a big problem, you cannot attend crime scene alone or leave one member in the CSC alone so it is a big problem when coming to personnel. I will say there is a shortage of personnel.

CSC officials mentioned workload and extra duties due to shortage of staff and other resources such as vehicles. This may lead to burnout because they cannot meet the community's demands. The resources allocated to the police station should meet the needs of the community and the burden of such police station hence CSC participants contended that there are few police with large areas of jurisdiction. By deploying more boots on the ground would assist in maximising SAPS efforts in combating crime. It is

fundamental that SAPS recruits more police and ensure that they undergo vigorous training to equip them with necessary knowledge and skill to conduct preliminary investigation.

### **5.4.3. Exhibit bags**

Exhibit bag is a transparent sealable plastic bag specifically designed to hold and store physical evidence and is available in different sizes. Exhibits which have been seized are all booked and entered in the SAPS 13 book and CSC commander receive such exhibit by signing in that book in a form of a full signature as proof that he or she indeed received the exhibit.

There are different types of exhibits such as crow bar, dagga, clothing, bloodstains, semen, drugs, hair, fibres, firearms, documents etcetera and are all packaged in exhibit bags. The sub-theme exhibit bag emerged while Participant KLCP2 was explaining that they are sometimes requested by LCRC to collect evidence at the crime scene. The researcher then made a follow-up by posing a question “where do you put evidence while at the crime scene if you were requested to collect it by LCRC official?”

**Participant KLCP2:** because of Covid19 we now have gloves and so while at the scene I just wear gloves and collect it and I only put it in the exhibit bag at the station because usually we don't have exhibit bags at the scene and sometimes we don't have the correct size of the exhibit bags like you end up putting small evidence like knife in a big exhibit bag which can fit even a human being. We don't have the correct sizes like small, medium and large exhibit bag.

Physical evidence found at the crime scene is crucial in the successful outcome of the case. However, if there is a shortage of forensic bags, this might adversely affect the investigation and prosecution of the case. It is extremely important to be able to demonstrate every single step undertaken to ensure traceability and continuity of the evidence from the crime scene to the court. Thus, it is the responsibility of all police officers including first responders to ensure that chain of custody is maintained for such evidence to be admissible in court. It is also important that forensic exhibit bags are

always used to carry and transport exhibits from the crime scene to SAPS13 store room and chain of custody is maintained.

#### **5.4.4 Tapes to cordon the burglary crime scene**

The act of cordoning the scene is to secure or prevent access to any person without authorised access to the area determined by the police as a crime scene. Crime scene is a place where clues and evidence are found so it should therefore be cordoned off at all the time to prevent contamination and destruction of evidence. Burglary scene can be secured by using cordoning tape or by merely closing the door of the house or room etcetera. The purpose of police cordoning the crime scene is to ensure that evidence is not lost, destroyed or moved.

Burglary is the most common crime experienced by the households in South Africa. SAPS entrusted CSC officials with a critical responsibility to secure and open dockets amongst others at the burglary scene as part of the preliminary investigation. The 12 CSC participants were asked on whether they cordon the burglary scene and nine responded that they do not cordon-off the burglary scene and only three said they do cordon the burglary scene. However, all the participants concurred that it is extremely important to secure the burglary scene. Some of the participants' reasons on why they are not cordoning the burglary scene are as follows:

**Participant PACP16:** No, we don't cordon the burglary scene but I don't have a reason. We just don't do it.

**Participant WKCP6:** No, I was never taught of cordoning the burglary scene. However, I think it is important to cordon the crime scene but we don't have cordoning tape. We are always being told that they are finished when we asked for them. I have 12 years in the police and I have never cordoned the scene, burglary scene in particular and I am telling truth. By telling people verbally not to touch or enter here and there; yes I am doing that many times but by using a cordoning tape! No.

**Participant DSCP25:** to be honest with you I cannot remember cordoning the burglary scene since I started working shifts, I have never cordoned the burglary scene. We just say because it happened in the house but other crimes on the road, we cordon the scene.

**Participant WKCP7:** No, to be honest we don't cordon-off the burglary scene. I don't want to lie we don't cordon it at all. But there is no valued reason not to cordon the burglary scene, perhaps we take it lightly because is a burglary. In murder cases we make sure that the scene is cordoned off.

**Participant KLCP3:** to be honest we rarely cordon-off the burglary scene. We don't cordon because sometimes complainants will say they are opening cases just to get case number only and he or she does not want LCRC or they do not want to appear in court. But if it is a normal burglary scene and complainant want investigation, we cordon the scene and call all relevant role players like LCRC to lift up fingerprints.

**Participant SACP18:** No, we don't cordon the burglary scene because most of the time when we are called the family has already messed up the scene.

**Participant VNCP11:** No, once we are finish to open a case, we just leave the scene as it is because we call fingerprint expert to come and lift fingerprint and we don't know when they are coming. We leave a message to the home owners not to touch anything until the fingerprint expert comes.

The researcher thoroughly perused the data from sample B and discovered that 10 detective participants while answering other questions they also mentioned that CSC officials do not cordon the burglary scene and these are some of their quotes regarding securing of the burglary scene:

**Participant DSDP23:** the CSC members do not protect the scene. Every time when we visit the scene, we find that the scene has been tampered; in actual fact



when you arrive at the scene as detective you must start by cordoning the scene so that nobody can just walk in and out without noticing that this is a crime scene. You won't find cordoning tapes in their vehicles. They also do not check if there are witnesses at the scene because that is very important for the case and investigation in general.

**Participant OSDP21:** CSC members do not secure the scene and when we arrive some of the things have already been moved to another place. Tampering of the scene by members of the community and complainants themselves is a problem. Sometimes they say entrance was gained through this window or door but when you check you find that everything has already been fixed.

**Participant OSDP22:** I think the main challenge is that one of not cordoning the scene which results in tampering of the evidence and clues.

Furthermore, during data analysis it came to the attention of the researcher that crime scene cordoning tapes were not readily available to use. CSC Participant VNCP11 elaborated that they use stones to mark empty bullet shells/cartridge cases spotted on the ground at the scene. When CSC participants were answering the question "Are you properly equipped with necessary resources as first responding officer to conduct preliminary investigation?" three of them specifically mentioned the shortage of cordoning tapes hence the sub-theme cordoning tapes emerged and they responded by saying:

**Participant DSCP25:** firstly, we don't have resources. We struggle to get even a cordoning type. It takes some month to get a mere cordoning tape. I can take you to our bakkies outside they don't have cordoning tapes. When you arrive at the scene you just stand like bystanders while you are a police officer. The community like such nasty things; once they realize that the scene is not cordoned, they want to walk around the scene and it is difficult to control them because we don't have the resources. We need such tapes.

**Participant DSCP26:** Even the cordoning tapes we struggle to find them and during the weekend it is worse because the offices are closed. If you leave cordoning tape in the bakkie today the following day when you come back it cannot be found; you will never know whether it has been stolen or what.

**Participant VNCP1:** No, we don't have resources like cordoning tape or sprays to use if there are bullet cases or tapes to barricade the scene. We use rocks instead of cones if we spotted bullet cases on the ground. In terms of personnel, we don't have enough members. We sometimes use one vehicle for the whole township and sometimes we have two bakkies outside. We never had three bakkies outside to say we have enough backup; no, we don't have enough personnel. Actually, when coming to personnel and vehicles they are very few and I am not happy at all.

It is extremely important that necessary resources such as cordoning tapes are always readily available to be utilized by the first responders at the scene. SAPS NI 1 of 2015 unequivocally state that securing the crime scene is the responsibility of the first responder but it is apparent that this is not done by CSC officials as first responders. Proper crime scene management in terms of SAPS NI 1 of 2015 is not being implemented or adhered to by CSC officials.

During the interview all 12 CSC participants stated that they are inadequately resourced and all NPA participants also echoed the same sentiments. This means preliminary investigation is not properly conducted by CSC members and this was confirmed by a CSC participant who explained that with his 12 years of experience as a police officer was never taught of how to secure a burglary scene and has never done that whilst another participant said they use stones to mark exhibit (bullet shells) on the ground. This confirms contamination of physical evidence at the scene because CSC members as first responders do not cordon the scene. SAPS CSC's conspicuous shortage of tools of trade greatly impact the ultimate goal of bringing justice to the victims because crime scenes are not properly secured as envisaged by SAPS NI 1 of 2015. It is apparent that the community does not receive the service they deserve as a result of shortage of necessary

resources such as personnel, vehicles, cordoning tapes and exhibit bags. CSC officials need to have all necessary tools of trade to work effectively at the crime scene.

## **5.5. SUMMARY**

The researcher presented the findings in this chapter on data collected from CSC officials, detectives, LCRC members and NPA prosecutors. During data analysis, the following themes emerged and were discussed; skills level to conduct preliminary investigation, challenges encountered when arriving at the burglary scene and necessary resources to conduct preliminary investigation. Some participants are not knowledgeable about preliminary investigation. Furthermore, all CSC participants did not know what SAPS NI 1 of 2015 is and they have no knowledge about Locard exchange principle. They were also not cognizant of the fact that DNA can link the suspect with burglary scene. It is apparent that CSC members lack knowledge and skills to conduct preliminary investigation at the burglary scene. Shortage of resources was cited by CSC participants as one of the contributing factors in poor crime scene management. In the next chapter the researcher will interpret to what extent are the findings consistent with the existing literature and whether they refute or confirm what is already known about the phenomenon under study.

## **CHAPTER SIX**

### **INTERPRETATION AND ANALYSIS OF FINDINGS**

#### **6.1. INTRODUCTION**

The aim of the research is to evaluate preliminary investigation at the burglary scenes by CSC officials as first responders (see section 1.3.1 *supra*). The researcher used semi-structured interviews with participants to collect data, thoroughly listened to the recordings, reviewed the transcript and notes to familiarise himself with the collected data. Thereafter, analysed and presented the themes that emerged from the collected empirical data in the preceding chapter.

The interpretation and analysis of the research finding in this chapter will be organized around major themes such as skills level to conduct preliminary investigation, challenges encountered when arriving at the burglary scene and necessary resources to conduct preliminary investigation.

#### **6.2. SKILLS LEVEL TO CONDUCT PRELIMINARY INVESTIGATION**

The CSC official's critical skills to conduct preliminary investigation amongst others includes the ability to interviewing complainants, victims and witnesses; interrogation and apprehending suspects at the crime scene; searching the scene itself; recognising and gathering evidence, to summon various crime scene experts; to secure the crime scene and opening case docket as part of preliminary investigation (SAPS 2015). Evidence coming from the crime scene should give a clear picture of the occurrence during the offence. Hence, the preliminary investigation processes should be adhered to because they are extremely important in producing the best results. Prosecution in the court of law depends on how the preliminary investigation and the physical evidence were handled (Gehl, 2017). Initial response to a crime scene commences from the time the information about the crime is received. Thereafter, it proceeds to the scene security, preliminary crime scene survey, recording and documentation of the crime scene, intensively searching through physical evidence and the collection, packaging and preservation of physical evidence (Miller & Massey, 2016:11).

The responsibility of the CSC officials as first responders is to ensure the accomplishment of the initial response quickly and competently. The outcome of the investigation depends on the competency of the CSC members at the scene (Dutelle, 2021:49). While crime scenes are often chaotic and complex situations, the initial responding officer should be observant when approaching, entering and exiting the crime scene. The control of physical threats will ensure the safety of the officers and others present. The CSC officials as first responders should also be able to assist and guide medical personnel because this will diminish the risk of contamination and loss of evidence. Controlling, identifying and removing persons at the crime scenes is an important function of the first responders in preserving the crime scene. Skills to establish boundaries are also extremely important in controlling the integrity of the evidentiary material. It is also important that first responders have the ability to provide a detailed briefing to the detective taking charge of the crime scene (Dutelle, 2021:59).

### **6.2.1 The significance of conducting preliminary investigation**

Singh (2021:642) asserted that the entire investigating team, including the first responders and the end-users of the information are mandated to know and understand the forensic process in order for them to maintain the chain of custody. It is understood that at different stages all participants were involved, exposed to or dealt with matters relating to preliminary investigation in their capacity. However, as it was discussed in section 5.2.1, some participants did not have an idea or understand what preliminary investigation is. This is irrespective of the SAPS National Instruction 1 (2015) that defines the role of the first responder to a crime scene. There was a CSC participant who explained in confidence that preliminary investigation is conducted by detectives and the other participant explained that he does not have knowledge about preliminary investigation. NPA Participant NPP39 asserted that uniform members and seniors in SAPS do not safeguard the crime scene and are not trained to do that. The NPA participant even suggested that CSC officials as first responders at the crime scene must be trained like detectives (see section 5.2.1).

LeMay (2017:7) posited that the first responder is the key figure and is the most important person at the crime scene. Dutelle (2021:5) echoed the same sentiments that the first tier of investigation process begins with the first responders. In a South African context, this is typically the CSC members who are dispatched to attend the crime scene with the purpose of conducting preliminary investigation. Through the course of their response to the scene if they believe that a crime was committed and there is a necessity to have the crime scene further processed, those members will summon the specialized personnel from the LCRC and the detectives (see section 1.2). Franklin (2020:1) concurred that crime scene technicians may be called to the scene to process physical evidence based on the decision made by the first responder however, some of participants lacked knowledge and understanding of preliminary investigation. Joubert (2013:43) was in *ad idem* with NPA participants (sample D) that they rely on the information in the docket to decide whether to prosecute or not (see section 5.2.7). She went further by elaborating that the docket must contain all the facts and evidence that are relevant to the case including evidence that might be declared inadmissible in court that was discovered at the crime scene to give the prosecutor a complete picture of the case. Girard (2018:15) explained that how the scene is handled affects the way evidence will be presented in court. As discussed in section 1.2, Van der Watt (2015:165) suggested that since following the correct procedure at the burglary scene can affect the entire investigation, it is extremely important that police officials are acquainted with all the processes when conducting preliminary investigation. The problem of lack of knowledge and skills to conduct preliminary investigation contributes to non-conviction of the suspects.

### **6.2.2 Knowledge of South African Police Services National Instruction 1 of 2015**

The discussion in section 2.4 is that SAPS introduced and promulgated SAPS NI 1 of 2015 to ensure that crime scenes are properly controlled, managed, documented and investigated and that the integrity of items with potential evidential value is maintained. SAPS NI 1 of 2015 clearly defines the role of the first responder at a crime scene (see section 2.5). Furthermore, as it was discussed in section 1.2, SAPS entrust the CSC officials with a critical responsibility to conduct preliminary investigation which amongst others includes interviewing complainants, victims and witnesses; recognising and gathering evidence, to summon various crime scene experts from the LCRC and to

secure the scene *etcetera* (SAPS 2015). However, during empirical data analysis it was discovered that all CSC participants (sample A) were oblivious of the existence of SAPS NI 1 of 2015 which was promulgated and disseminated to guide and assist police officials at the crime scene (see section 5.2.2). This is consistent with what was discussed in section 2.3 where the defence attorneys pointed out several errors by the police including handling of the suspected murder weapon by the police without gloves and police officers walking through the scene without protective footwear or protective shoe covers (Peck, 2014). All the above-mentioned contaminations illustrated by the defence team in a bid to support their argument that preliminary investigation was bungled, are a clear indication of non-compliance with SAPS NI 1 of 2015.

Van der Watt (2015:165) asserted that it is of cardinal importance that all police officials are familiar with the procedure to be followed at burglary scenes especially CSC officials as first responders as enshrined in SAPS NI 1 of 2015 (see section 1.2). As it was discussed in section 2.4, Lochner and Zinn (2015:11) also listed the golden rules of crime scene management which are consistent with SAPS NI 1 of 2015 as follows: never touch anything, never change anything and never remove or add anything. These authors further elaborated that these golden rules should be adhered to until such time as the evidence has been documented, identified, measured and photographed because when an item is removed it can never be restored to its original position. The discussion in 2.4 is that controlling of the crime scene begins with the arrival of the first responder who must act as Crime Scene Commander until the handover to the Crime Scene Commander who would ordinarily be detective on standby has been completed (SAPS 2015:9-11). Singh (2021) concurred that the first responder should take control of the crime scene and determine the extent to which the scene is protected. According to Mateen and Tariq (2019:285-287) crime scene management is the key part of criminal investigation. In section 5.2.3 participant DSCP25 explained that due to a lack of knowledge they take stationery, interview the complainant and also sit down and write on the table where the burglary has occurred (burglary scene). This simply means that the principle of following the correct procedure at the scene in terms of SAPS NI 1 of 2015 is not adhered to by CSC officials due to lack of knowledge. This may result in contamination of evidence or loss of precious evidence material (see section 5.2.2). The crime scene management

principles as set out in NI 1 of 2015 should be applied to any type of crime scene including burglary (SAPS, 2015).

### **6.2.3 The importance of deoxyribonucleic acid at the burglary scene**

The DNA Project (2014:1) explained that when dealing with something as small as DNA, a crime scene can easily become contaminated by new DNA inadvertently being left behind by the first responder or others on the scene. According to SAPS NI 1 of 2015, one of the most important tasks of the first responders at the scene is to prevent the destruction of potential evidence that may lead to the apprehension of the criminal and the ultimate resolution of the crime but unfortunately almost all CSC participants were not cognizant of the fact that DNA evidence can be found at the burglary scene. In section 5.2.3 discussion, participant DSCP25 explained that he is aware that DNA is taken in rape cases but did not know that it can also be found at the burglary scene. Some participants linked DNA evidence at the burglary scene with the Buccal swab. Based on the participants' responses regarding the presence of DNA at the burglary scenes, this is a clear indication that DNA evidence may go unrecognized, destroyed and not collected at the burglary scene as a result of lack of knowledge or poor preliminary investigation by CSC members. As it was discussed in section 2.8, Manamela, Smith and Mokwena (2015:107) posited that the collection of DNA evidence from the burglary scene is a very important and powerful tool to link the suspect with the burglary scene and such evidence is accepted in the court of law.

Dutelle and Becker (2019:99-100) averred that DNA can be used to identify who was present at a scene and exclude a person from further investigation. It can place a suspect in a home or room where the suspect claimed to not have been (see section 2.8). In section 5.2.6 it was discussed that CSC members do not sufficiently summon LCRC experts and detectives to attend the burglary scene. It was also discussed in section 2.8 that CSC officials must be conscious of the fact that physical evidence can be transient or time sensitive that needs to be immediately recorded and documented. Gehl and Plecas (2019:122) asserted that DNA evidence such as sweat, hair, skin tissue, saliva *etcetera* may not be visible so it is extremely important that CSC members enlist the help



of LCRC to search for items that may require enhanced examination and analysis at burglary scenes.

#### **6.2.4 The implementation of the Locard exchange principle**

The theory behind the Locard exchange principle is based on the fact that it is impossible for an individual to act without leaving traces of their presence at the crime scene (see section 2.6). Lochner, Horne and Zinn (2020:58) indicated that this principle is fundamentally applied to a crime scene where the perpetrator comes into contact with the scene and burglary is one of those crimes. However, all CSC participants as first responders are not knowledgeable about this (see section 5.2.4). The discussion in section 2.6 is that preliminary investigation procedures are based upon the Locard exchange principle. As discussed in section 5.2.4, all CSC participants as first responders at the burglary scene did not have knowledge about the Locard exchange principle and only two detective participants had knowledge about it. Because participants VNDP14 and SADP17 (detectives) had knowledge about Locard Exchange principle, they were further asked if they think CSC members have sufficient knowledge about Locard Exchange Principle since they are the first at the burglary scene. Participant SADP17 confidently explained that if they had the knowledge, they would understand the importance of LCRC at the crime scene. The participant SADP17 is insinuating that CSC members do not summon members of the LCRC to the burglary scene. Because participant VNDP14 also had knowledge about the Locard exchange principle, the same follow-up question was posed and he said he does not think that CSC members have knowledge about the Locard exchange principle and suggested that training is needed for CSC members because things are evolving including the justice system like the court. When seeking clarification about the phrase 'things are evolving', the participant mentioned that even criminals adopt new *modus operandi* and suggested that training is needed for CSC members because if they are not properly trained, they may not be familiar with new criminal or investigation methods. Most of the participants simply said they do not know what Locard exchange principle is.

Baxter (2015:223) explained that every time someone enters the scene including the police, they may bring contaminants with them and when they leave they may take evidence with them. As discussed in section 2.6 Dutelle (2020:133) asserted that Locard exchange principle is important to remember when arriving at the burglary scene. Barbaro (2018:16) added that it is important to establish scene security to avoid unnecessary contamination in the form of cross transfer. Girard (2018:03) concurred that first responders must secure the crime scene, safeguard evidence, minimize contamination, limit access to the scene and any person found at the scene must be identified, documented and removed from the scene as soon as possible. According to SAPS NI 1 of 2015 which was promulgated to guide and assist SAPS members at the scene unequivocally explained that contamination of the physical evidence can only be prevented by securing the crime scene. Barbaro (2018:16) emphasized the importance to establish scene security to avoid unnecessary contamination by nonessential personnel because preliminary investigation procedures are based upon the Locard's Exchange Principle. Van der Watt (2015:164) also mentioned that contamination of physical evidence may consequently render such evidence inadmissible in court.

### **6.2.5 Writing of statements**

The SAPS CSC members as first responders are dispatched to attend a complaint and have the responsibility to determine whether crime was committed or not. Upon arrival they conduct preliminary investigation by interviewing people at the scene including complainants, victims and witnesses and if they are satisfied that a crime was committed (all elements of crime are met), they open a case by obtaining detailed statements from the relevant people (SAPS, 2015). As it was discussed in section 1.2, the more information and evidence that can be obtained after a crime has been committed the better the chance of identifying the person responsible and successfully prosecuting the case (Palmioto, 2013:14).

The discussion in section 5.2.5 indicates that majority of participants expressed their dissatisfaction about the poor statements taken by CSC members and even elaborated on how such poor statements affect investigation and prosecution. Poor statement sub-theme emerged despite SAPS Learner's Guide (2013) which clearly explained that a well-

planned and structured statement consists of preamble, contents and ending and it endeavours to assist the police with writing a detailed and proper statement. There was no direct question about the quality of the statements obtained by the CSC members when opening dockets but the sub-theme emerged during data analysis hence the discovery that most of the participants complained about poor statement by CSC members. NPA Participant NNP39 put it point blank that the uniform members do not know how to write statements and also added that they do not know the definitions of the crime, whilst other participants decried poor statement taking by CSC members, SAPS NI 22 of 1998 categorically states that the victim's statement must be comprehensive (see section 5.2.5).

### **6.2.6 The use of technical specialists at the burglary scene**

A crime scene technician from the LCRC may be called to the scene to process physical evidence based on the decision made by the first responder (see section 1.2). However, some of the LCRC members said they are not being summoned to search for items that may require enhanced examination and analysis at burglary scenes. This is consistent with the discussion in section 2.11, where Van der Watt (2012: 83-84) bemoaned underutilization of available experts and aides in South Africa. As discussed in section 2.11, Van der Watt (2012: 83-84) asserted that the use of relevant experts and aides are fundamental to the investigation and arrest of the perpetrator. Detectives receive case dockets from the CSC police officials in order to conduct further investigation. They were also asked if they are being called by CSC members to attend the burglary scene and over half of detective participants also explained that they are not being informed to attend burglary scenes. An opinion was sought from the LCRC participants if they know why they are not being called to attend burglary scenes. As discussed in section 5.2.6, there were differing views from LCRC participants on why they are not being called by the CSC members to attend. Participant LCP27 said CSC members do not understand the importance of the LCRC in solving crimes. They just determine that there are no fingerprints or forensic evidence by mere looking around the crime scene. Participant LCP31 pointed the blame squarely at lack of training (see section 5.2.6). It is of cardinal importance that all police officials are familiar with the procedure to be followed at burglary scenes especially CSC officials as first responders (Van der Watt, 2015:165).

The discussion in section 1.2 is that LCRC members' responsibilities amongst others include attending to the crime scene for the purpose of documenting, collecting, packaging, transporting and analysing physical evidence to solve crime *etcetera*. As discussed in section 2.4, the CSC officials are typically dispatched to attend to a complaint of burglary and if they believe that burglary has occurred, they summon the relevant role-players from the LCRC to have such burglary scene further processed. Franklin (2020:1) concurred that a case of burglary may initially involve only the first responding officers who then have the duty to evaluate the scene and make recommendations concerning additional investigative needs but unfortunately detectives and LCRC members decried that they are not sufficiently being summoned to attend.

### **6.2.7 Decision to prosecute**

The decision to prosecute is the most important decision a prosecutor makes and should reflect sound knowledge of the law and careful consideration of the interest of the victims, the accused and the public. The prosecutor's decision must also demonstrate fairness and consistency (Novascotia, 2021:1). As it was discussed in section 5.2.7, the NPA participants averred that there are numerous factors to consider when making the decisions on instituting prosecution against an arrested person or when they decline to prosecute a case. They unequivocally stated that they are guided by the relevant facts and evidence presented by the police in a form of the docket (Joubert, 2013:43). The NPA participants further indicated that some of the reasons they decline to prosecute burglary cases would be as follows: insufficient evidence against the suspect, statement is not factual, suspect was arrested based on hearsay, no witness statements in the docket, accused gives an exonerating statement and is not rebutted by witnesses or the investigation is incomplete. According to Van der Watt (2015:161), preliminary investigation should be accurate or it may jeopardize the entire investigation if not carried out properly. As discussed in section 5.2.7, NPA participants indicated that they decide to prosecute or enroll the case based on the information in the docket. During data collection, NPA prosecutors cited insufficient evidence as the reason they decline to prosecute amongst others. Palmioto (2013:14) elaborated that the more information and evidence that can be obtained after a crime has been committed the better the chance of identifying the person responsible and successfully prosecuting the case.

### **6.2.8 Adequacy of training**

Training helps employees with skills development in order for them to understand better and excel in their job - related tasks. The discussion in Section 5.2.8 indicates that the need for training is initiated due to the poor performance of employees which has been identified by employers. In this regard, the employer identified that employees do not have sufficient skills for the job they are doing and the organisation should initiate on-the-job training to solve the problem. However, the majority of CSC participants indicated that they are not properly trained to conduct preliminary investigation and they really need such training. There was only one CSC participants who did not want training. Participant DSCP25, in an attempt to demonstrate how he needed training stated that in hindsight he realized that he made mistakes at the crime scenes due to lack of knowledge and skills to conduct preliminary investigation. This is consistent with the discussion in section 3.4 where Miller (2018:21) posited that the first persons to know the original condition of the crime scene are first responding officers. As such, any changes or amendments made at the crime scene, they are most often the first people to have observed or witnessed it because they arrived first at the crime scene. In the course of performing their duties they inadvertently change or alter the crime scene from its original condition. Participant DSCP25 sentiments confirm the lack of knowledge in crime scene management (see section 5.2.8). The views were sought from other subgroups such as detectives, LCRC and NPA prosecutors on whether CSC members are adequately trained and all NPA prosecutors said that CSC members are not adequately trained to conduct preliminary investigation as first responders at the burglary scene. In section 5.2.8, majority of detectives and LCRC participants also said CSC members are not adequately trained. Most of the participants recommended that CSC members should be trained however, only Participant OSDP22 posited that CSC members will not change even if they are taken for training. Mateen (2019:285-287) posited that due to lack of training, evidence may go unrecognised and as a result end up not being collected from the scene. The impact of lack of proper training was also discussed in section 3.5, Fisher and Fisher (2012:31) emphasized the importance of on-going training and continuing education, not only for investigative and technical personnel but also for first responders (see section 3.6.4). Dutelle and Becker (2019:67) added that too often first responders are excluded from training that could increase the chance of investigative success (see section 3.4).

According to Wallace, Cunningham and Boggiano (2016:33) training in order to maintain the current skills and introduce new techniques is imperative in the current climate. A well thought out and consistent training program will lead to quality work by the police at the crime scene especially because preliminary investigation serves as the foundation of the case (Van der Watt, 2015:161).

### **6.2.9 Quality of communication between Local Criminal Record Centre, detectives and Community Service Centre members**

There is large information that needs to be shared between CSC members, detectives and LCRC to help them effectively investigate and arrest criminals. Strong internal communication in the police means better officer safety, quicker responses to complaints and a higher likelihood of positive outcome (Vaporstream, 2021). The discussion in section 5.2.9 was that detectives and LCRC participants decried failure by CSC members to inform them about burglary scene to be attended and processed. More than half of detectives mentioned that they are not being informed to attend burglary scenes but just find the dockets by themselves in the CSC. Whilst some of LCRC members said they rely on the newly introduced SAPS BI system every morning to see burglaries reported and others said they are not informed immediately and consequently attend the burglary scene late. As discussed in section 3.8.6, failure to communicate such important information would certainly compromise or jeopardize the case in many ways (Baxter jr, 2015:4-5). Communication blunders can have a detrimental effect on the entire investigation of the case. According to Braimah (2021:06) communication is important in every organisation including SAPS. Poor or breakdown of communication between CSC members, LCRC and detectives may result in evidence being lost at the crime scene and investigation can also be compromised. Dutta et al (2021) added that communication is strongly related to productivity in the workplace. Dutelle (2017:25) concurred that the ability to communicate is extremely important in the police (see section 3.8.1). Rex (2022) asserted that formal communication is necessary when reporting and notifying other role-players or other aides to attend the crime scene because messages that travel through formal channels of organization may follow a routine pattern, consequently achieving the set goals or de-escalate situations. When trust in communication channels is limited, co-

production of service is also impeded, and the ability to increase such trust is in turn affected negatively (Jakoet-Salie, 2018).

In terms of SAPS NI 1 of 2015, CSC officials are responsible for protecting the crime scene from any avoidable contamination in order to preserve it for investigative purposes. Dutelle (2017:69) posited that the first responding officers should familiarise themselves, have knowledge of investigative processes, how to handle the forensic evidence, as well as locating and processing it. All CSC members should be trained and equipped with the skills and attitudes of how to handle and conduct preliminary investigation at the burglary scene. Knowledge and skills to identify points of entry and exit and other areas for perishable evidence such as clothing fibres, hair, blood, transfer evidence including touch DNA at the burglary scene is of cardinal importance (Maloney, Housman & Gardner, 2014: 63). The best way to enhance CSC member's knowledge and skills in preliminary investigation is to provide them with relevant and consistent training especially because they said they really need training (see section 5.2.8). All relevant role players such as LCRC and detectives should always be summoned to burglary scenes to assist in identifying, collecting and preserving potential physical evidence and ensuring that potential witnesses are not overlooked. This will in turn minimise the chances of cases being withdrawn or not enrolled by NPA prosecutors due to insufficient evidence. Physical evidence plays a critical role in the overall investigation and resolution of the crime and the realization of this objective depends on actions taken early in the criminal investigation at the crime scene. Collaboration between CSC officials, detectives and LCRC members at the crime scene is thus fundamental.

It is conspicuous that CSC members do not have sufficient skills and knowledge to conduct preliminary investigation at the burglary scene so, additional training is thus necessary to solve this problem. The aforementioned statement was corroborated by all CSC participants themselves who were not cognisant of SAPS NI 1 of 2015 which clearly defines the role of the first responders at the crime scene. Literature also emphasised that Locard exchange principle is important to remember when attending the crime scene but CSC members did not have knowledge in this regard hence training is needed. It is also important that CSC members are made aware of DNA evidence at the burglary scene

such as skin cells, saliva, hair, sweat, blood etcetera and possible location where it can be found to prevent contamination. The CSC officials as first responders are responsible to secure the scene to prevent any contamination, search for clues, summon detectives and LCRC members etcetera but with their apparent lack of knowledge and skill to conduct preliminary investigation cases won't enrolled or will be withdrawn in court due to insufficient evidence and this will negatively affect victims.

### **6.3. CHALLENGES ENCOUNTERED WHEN ARRIVING AT THE CRIME SCENE**

Challenges are impediments that prevent people from achieving a goal. Law enforcement officers also face challenges at the crime scene on daily basis and the most crucial is the contamination of physical evidence by the people before the arrival of the police which eventually disturb forensic examination process. SAPS is not exception in this regard (see section 5.3.1). The CSC participants mentioned the large size of the policing area of jurisdiction, contamination of physical evidence, verbal abuse by onlookers, complainants or victims and neighbourhood watch interference at the crime scene as some of the challenges they encountered at the scene. They elaborated that their late arrival at the scene impedes their performance which ultimately culminate in contamination of physical evidence because the scene would not be secured immediately after the house was burgled.

#### **6.3.1 The attitude of the first responders to their work**

It is the responsibility of the employer to positively elevate the employee's working conditions. The morale of the employee towards his/ her job is very important. In most cases, first responders are not trained or skilled as first responding officers. Their attitude towards their job is very poor. Lack of skills and training reduces their confidence when they become first responding officers, and lead to severely poor performance. Good attitude leads to a better performance, and the willingness of more knowledge. Employees with a good attitude towards their job become competent in what they do, their work ethic is elevated and they become very good team members. The discussion in section 3.5 is that it is of utmost importance that when first responders perform their crime scene duties and responsibilities, they execute these tasks to the best of their ability



to ensure professionalism. Majority of the CSC personnel seemed to have a positive attitude towards improving their capability and duties at the crime scene (see section 5.3.3).

Almost all CSC participants unequivocally stated that they are not properly trained and they need training in crime scene management (see section 5.2.8). As discussed in section 3.5, Suboch (2016:104) indicated that the impact of lack of proper training influence the crime scene processing including evidence collection and case investigation. Mozayani and Parish-Fisher (2018:1) added that the proper handling of a crime scene establishes the quality and quantity of information available for the investigation and ultimately the information available as evidence in court. The authors added that any failure during preliminary investigation stage can taint the evidence and render any further forensic analysis inadmissible in court (see section 3.7). All CSC participants asserted that their performance was very good though they lamented the shortage of resources, the large area of jurisdiction and lack of training as some of the factors that negatively impact their performance. They further explained that the abovementioned factors consequently lead them to responding late to the crime scene.

As discussed in section 5.3.3 there were some contrasting views on other sub-groups of participants like detectives, LCRC members and NPA prosecutors when their views were sought regarding CSC official's performance at the burglary scenes. For instance, a third of the detective participants averred that CSC members are performing effectively at the scene. Detective participant WKDP8 explicitly concurred with CSC members and also lamented shortage of personnel as the cause of poor performance by CSC members at the scene. Detective participant WKDP8 further elaborated that shortage of personnel is the reason why CSC members are rushing things at the scene. When the same views were sought from LCRC and NPA participants, they also expressed different opinions than the CSC participants on their level of performance. Just over half of LCRC and NPA participants respectively posited that CSC members are trying their best at the scene but also put the blame on lack of training and shortage of the resources. Fisher and Fisher (2012:31) concurred that an inept attitude of a first responder may lead to failure to identify

key and useful details of the scene. The authors further suggested that on-going training and continuing education is vital for first responders.

### **6.3.2 The size of the policing area of jurisdiction**

Police visibility is perceived as a deterrent to crime and instils a sense of safety to ordinary community members. However, due to large size of the police service area and shortage of resources this can become a challenge. In section 5.3.2, CSC participants mentioned the large area of jurisdiction as one of the factors that adversely affect their performance including late responding to the crime scene and visibility within their area of jurisdiction. According to Palmiotto (2013:04) the longer response time increases the likelihood of the crime scene being contaminated hence CSC members cited large area of jurisdiction and shortage of other resources such as vehicles and manpower as some of the contributing factors to late arrival at the scene which results in them being verbally attacked. As discussed in section 5.3.1, the majority of the CSC participants were cognisant of the fact that by swiftly responding to burglary scene, the police could secure and collect physical evidence before it is contaminated or destroyed and they could also arrest the suspects at the crime scene (Girard, 2018:03). Lochner, Horne and Zinn (2020:54) concurred that the longer the police take time to arrive at the crime scene, the greater the possibility that the crime scene may be contaminated and physical evidence may be lost. The chances of a successful outcome of the preliminary investigation are also reduced by the passage of time. The safeguarding of the crime scene during preliminary investigation is thus of critical importance to prevent destruction of exhibits at the crime scene (see section 2.6).

### **6.3.3 Response of the victims when police arriving late at the scene**

Burglary is one of the crimes that strike at the heart of how safe victims feel in their homes and it directly affects the public confidence in the police's ability to keep them safe. The way victims of crime cope depend largely on their experiences immediately following the crime. First responders are usually the first to approach the victim and find themselves in a unique position to help victims cope with the immediate trauma of the crime and to help restore their sense of security. By approaching victims appropriately, the police will gain their trust and cooperation. As discussed in section 5.3.2, CSC participants explained the

potential risks due to their late arrival at the scene which include being verbally abused by family members including complainants; victims and bystanders. Participant WKCP6 in particular said when they arrive at the given complaints the victim or family members are angry towards them for responding late and when they talk to the first responders, they respond in a disrespectful manner and this leads them to rushing things.

According to Fish, Miller and Braswell (2011:30), the problem of moving in quickly to recover evidence and then proceeding to the next call for service can preclude the identification and collection of all of the evidence. Wallace, Cunningham and Boggiano (2016:33) concurred that rushing through scene work is rarely a good idea, as rushing results in mistakes. Participant KLCP2 explained that when the complainants are angry towards them they calm them down by explaining the situation to them and if they are still angry, there is nothing they can do but only conduct the scene investigation and try to get some more evidence and make sure that the family is not disturbing or interrupting the crime scene. Once they are ready, that's when they obtain their statements to open a burglary case. Fish, Miller and Braswell (2011:32) asserted that distraught family members and witnesses may also present risks to the police and advised that they must be removed from the primary area quickly and safely hence CSC members said they are often verbally abused at the scene. Gehl and Plecas (2019:98) concurred that witnesses and victims may be uncooperative with the police and the only strategy is to gather as much forensic evidence as possible at the crime scene (see section 5.3.2).

#### **6.3.4 The impact of contamination of physical evidence**

Contamination can take place in many ways including first responders or investigators failing to follow proper crime scene management procedure and consequently causing contamination of exhibits, interference with evidence by victims, witnesses or even suspects to cover up or remove evidence, weather related contamination, animals including pets causing unwanted transfer of evidence *etcetera*. In section 2.7, Gehl and Plecas (2019:113) posited that contamination of physical evidence is one of the greatest challenges at any crime scene. As discussed in section 5.3.3, all the CSC participants were knowledgeable about contamination of the scene and even added that they sometimes unwittingly contaminate the scene themselves. However, they lacked

knowledge about SAPS NI 1 of 2015 which define their roles at the scene including securing the scene and they also lacked knowledge about the Locard exchange theory. Fisher and Fisher (2012:3) postulated that the successful resolution of the case hinges on actions and steps taken by first police to arrive at the crime scene. During empirical data collection it was also discovered that even neighbourhood watch members who work in conjunction with the local police and armed response organisations contribute in the contamination of the scene as a result of late response by the police (see section 5.3.4).

As discussed in section 1.2, Palmiotto, (2013:04) averred that the longer the police take to arrive at the scene, the greater the possibility that evidence will be destroyed or contaminated. Over and above that, the author added that delay may also mean witnesses will leave the scene or discuss the incident with each other and thus distort their accounts of the crime they witnessed. CSC participants suggested that crime scene contamination can be prevented by securing the scene; training and swiftly responding to complaints (see section 5.3.4). Van der Watt (2015:164) concurred that rapid response time is fundamental to the success of the investigation because unattended crime scene is more vulnerable to contamination. In section 2.7 Suboch (2016:104) explained that the most common means of eliminating contamination is by wearing protective gear such as gloves, booties, face masks, hairnet and tryVac suit. Gehl and Plecas (2019:108) appealed to the first responders to arrive at the crime scene as soon as possible to ensure that the crime scene is protected and nobody who is not directly involved in the investigation such as neighbourhood watch and other onlookers are allowed access and to prevent any possible tampering or contamination of the scene (see section 5.3.4). Crime scenes which are not properly managed would lead to either loss of evidence or poor quality of evidence resulting in erroneous exoneration or conviction of the suspect (Mateen & Tariq: 2019:285-287).

Crime scene investigation is the first and the most crucial step of the criminal investigation. It can provide investigative leads, assist in identification of suspects, prove or disprove alibis so, it is thus important that police respond swiftly to burglary scenes to prevent crime scene contamination. The preservation and prevention of crime scene contamination is paramount. It is imperative that CSC members swiftly respond to

burglary scene because during data collection LCRC participants were in *ad idem* that the potential risks and consequences of responding late to the burglary scene may result in contamination of the physical evidence. CSC officials should also be cognizant of the fact that some physical evidence can be transient, time sensitive or microscopic so, it is extremely important to enlist the help of LCRC as soon as possible. They must be conscious of physical evidence that need to be recorded and documented immediately. Burglary scene must be secured and access restricted because according to the Locard Exchange Principle, every contact leaves a trace. The community has low and declining trust and confidence in the police. The late arrival of the police at the crime scene exacerbates what they view as poor service and thus consequently verbally abuses them. This impedes efforts to deliver quality service because the CSC officials feel overwhelmed by the community's numerous complaints and this may result in CSC officials having stress. Circumstances of the crime determine when and how the first responders are able to address victims and their needs. It is very important for the first responders to assure the victims of their safety and encourage them to trust in the professionalism and ability of the officials to deal with the situation at hand (Lochner & Zinn, 2015:58).

The longer response time increases the likelihood of the victims or family members feeling hard done in by the police and this result in distrust, disdain or resentment towards the police hence they verbally attack them at the scene. CSC members' swiftly responding to burglary scene may establish a harmonious relationship between the police and the community. Building and sustaining public trust can be achieved through professional and quality service to the community. The CSC official's treatment of victims and complainants with dignity and respect and showing neutrality in their actions while doing their job can also promote public confidence in the police.

#### **6.4. NECESSARY RESOURCES TO CONDUCT PRELIMINARY INVESTIGATION**

Resources in this context refer to human and physical resources used in SAPS to perform their task as first responders effectively. The successful and effective preliminary investigation at the crime scene requires adequate resources such as human resources, vehicles, exhibit bags, cordoning tapes and gloves among others. Forensic evidence is one of the most valuable and objective forms of evidence and it is the reason why it

extremely important that the crime scene is always secured. This can only be achieved by utilization of both physical and human resources to prevent unnecessary access to the crime scene. Securing the scene requires high level of priority by CSC members because it minimizes the potential risks of contamination, keep chain of custody and prevent evidence tampering. The role of CSC members as first responders is vital important that without their immediate response, physical evidence may quickly be contaminated resulting in evidence being lost or destroyed before investigation resumes.

#### **6.4.1 Vehicle accessibility**

The vehicles in SAPS are the most important tools of trade which enables the police to discharge their duties which include swiftly responding to complaints as well as crime prevention initiatives. Vehicles as a mode of transport in the police assist first responders to reach large areas in a short period of time. The discussion in section 5.4.1 is that more than half of CSC participants explicitly mentioned shortage of vehicles as a big problem at their stations. Participant WKCP6 indicated that shortage of resources leads them to rushing things at the scene (see section.5.3.2). Participant SACP18 lamented the fact that their vehicles break all the time and perceived that they are not being well taken care of by the state because they are a captain station. Furthermore, participant PACP16 explained the situation to be so dire to an extent that they sometimes report on duty without patrol bakkie and also pointed that the bakkie they are currently using is leaking inside when it is raining (see section 5.4.1).

Newsi Staff (2022) concurred that SAPS resources have been mismanaged to such a degree that in some police station precincts the police have barely any vehicles to drive to a crime scene. The author further explained that this alarming state of affairs in SAPS is not new, although it appears to be worsening. Shackleton (2022) explained that shortage of vehicles in the SAPS is a very huge challenge. Most vehicles are at the police station but are not in working condition. Visible policing officials are unable to attend to some emergency crime scenes and this endangers the community. Furthermore, police officials are demotivated and unable to perform their visibility patrols. The impact of the situation is very depressing and the complaints about lack of vehicles have become a

national problem. This situation affects the community, while the criminals take advantage by escalating the crimes they commit.

#### **6.4.2 Human resources**

The allocation of human resources is crucial to ensure proper safety and security of the person. The allocation of sufficient policing resources to each policing station precinct improves safety and security. The allocation of human resources at the police precinct elevates safety conditions and contributes to lowering crime in certain crime categories (Simelane, Brown & Seyisi, 2017:4). As discussed in section 5.4.2, almost all CSC participants unequivocally stated that they are struggling to cope with numerous complaints due to shortage of manpower. They mentioned that they receive numerous complaints and as a result, cannot properly conduct preliminary investigation at the various scenes. Participant OSCP19 explained a dilemma they regularly come across as a result of shortage of personnel to make his point, namely that they are five (5) per shift. Therefore, if one member book off sick or is on sick leave while the other one is on annual leave it becomes a big problem because one member cannot attend a crime scene alone and again for safety reason they cannot leave one member in the CSC alone. The participant explained this impasse whilst trying to demonstrate how big is the problem when coming to shortage of personnel (see section 5.4.2).

Adequate human resource is needed at the police station to effectively assist in rendering the required services to the people. South Africa's Police Minister Bheki Cele confirmed that the biggest challenge for the police service is human resources. Furthermore, Modiba (2022:25) mentioned that service delivery is hindered by lack of vehicles as well as shortage of personnel, the police in particular. BusinessTech (2022) emphasised that it is difficult for SAPS to meet the demands of the country. The demand for policing has increased beyond the SAPS current capabilities and the situation has exacerbated by lack of financial resources afforded the department.

Western Cape Police Oversight and Safety MEC Reagen Allen averred that it is imperative to allocate more resources to the police so that they are able to be productive and their working conditions become improved. Required resources such as human

resources, should be given to them so that they are able to combat crime (Francke, 2023). According to Maliti (2023) highly skilled SAPS members have left to join the City of Cape Town, citing distressing, poor working conditions and low salaries in the SAPS, compared to the salary paid by the City of Cape Town. It was confirmed by Police Minister Bheki Cele that a great number of SAPS members are resigning. He further mentioned that about 1303 police men and woman police resigned since 01 April 2022 to 31 January 2023. Exit reports indicated that poor remuneration in the services, retirement, toxic work environment, lack of progression possibilities which lower the morale and increase depression which affect their families (Maliti. 2023). Furthermore, Police Minister Bheki Cele added that about 3000 more members of the SAPS were lost in the following years as a result of voluntary exits. Consequently, the SAPS budget was almost crippled by resignations which have severely affected service delivery due to shortage of staff and the exorbitant costs of hiring and training new staff. He further explained that some of the exits were unavoidable and regarded as natural attrition while other departures were indeed detrimental to SAPS reputation. According to Businessstech (2022), there has been a huge decline of SAPS members over the past years, and a huge number of highly skilled and experienced members resigned and left a huge void in the service, at the police station level in particular.

#### **6.4.3 Tapes to cordon the burglary crime scene**

Singh (2021:642) asserted that entire investigation hinges on the ability of first responders to properly identify and secure the crime scene. The author further elaborated that the crime scene can be secured by establishing restricted boundaries using cordoning tapes to secure the scene and prevent evidence destruction. However, in section 5.4.4, CSC participants indicated that the crime scene cordoning tapes were not readily available to use when they are needed. Participant VNCP11 added that they use stones to mark the position of empty bullet cases spotted at the scene instead of the required cones. Fisher and Fisher (2012:37) emphasized that in order to protect the integrity of the crime scene, as soon as the first responder arrives at the scene, the officer should take the steps to protect the scene. As discussed in section 3.7, Mozayani and Parish-Fisher (2018:1) added that any failures during this vital stage can taint the evidence and render any further forensic analysis inadmissible in court. Franklin (2020:1) concurred that the first step in



processing a crime scene is to secure it. However, in section.5.4.4 CSC participant with more than ten years of experience expressly said he was never taught about cordoning off the burglary scene and has not cordoned it ever in his career as a police officer.

It is important for the police officials to remember and familiarise themselves with the Locard exchange principle at all times during investigations because it is the basis for use of physical evidence in criminal investigation. Furthermore, securing and restricting the crime scene is mandated to restrict access from bystanders and other people who are not police, or investigators (Miller & Massey, 2016:11). As discussed in section 5.4.4, CSC participants do not cordon the burglary scene citing lack of knowledge and shortage of cordoning tapes. This happens despite SAPS NI 1 of 2015 which defines the role of the first responder at a crime scene which amongst others includes cordoning off the scene to prevent contamination and ensure that the scene remains as original as it was *etcetera*. Suboch (2016:104) also asserted that the most common means of eliminating contamination is by securing the scene. Singh (2021:642) concurred that the most important aspect of collecting and preserving evidence is to protect the crime scene.

#### **6.4.4 Exhibit bags**

Participant KLCP2 indicated in section 5.4.3 that there is a shortage of forensic exhibit bags at the station. This might adversely affect the case by rendering evidence to be inadmissible in court especially if the police fail to demonstrate that the chain of custody was maintained and evidence was not contaminated. As discussed in section 3.5, Suboch (2016:104) indicated that lack of expertise and poor handling of evidence at the crime scene leads to negative impact on the prosecution of the case. It was discussed in section 5.4.3 that CSC members with the request of LCRC members they collect exhibits from the scene to the police station without putting them in the exhibit bags due to shortage of resources. Osman, Gabriel and Hazmah (2021:01) concurred that in truth, this action has the potential to expose the evidence to contamination. The DNA Project (2014:1) posited that the way in which evidence is collected and recorded is often questioned in the court room. Palmbach (2016:679) indicated that to achieve the full potential of physical evidence there are certain safeguards and standards that must be met for example, evidence must be collected in a manner that will preserve the integrity and evidentiary

value. Gehl and Plecas (2019:114) concurred that evidence must be presented to demonstrate the chain of custody which tracks the exhibit from the crime scene to the courtroom (see section 2.9).

Farajihha *et al*, 2016:21 averred that it is highly important to maintain and investigate crime scene and to gather crime evidence existing at it, based on the existence of the material evidence existing at the scene to substantiate the occurrence of crime and the identification or establishing the innocence of the people charged. In section 5.4.3 participant KLCP2 explained that because of Covid19 they are now having gloves at their station. This implies that they are only receiving gloves because of Covid19 regulations not because they are extremely important for collecting exhibits. As discussed in Section 3.5, Dutelle (2022:137-150) emphasised that it is imperative to wear gloves at all times when on a crime scene. Gloves protect the wearer against harmful hazards on the crime scene. Furthermore, they assist in eliminating contamination when one touches items at the crime scene (see Section 3.5). Palmbach (2016:679-685) reported that the failure to account for trail of the sequence of custody which is legally defensible lower the standard of investigation and the evidence collected cannot be proven in the court of law as the one that was retrieved at the said crime scene. Moreover, CSC members collect exhibits from the scene without putting them in the exhibit bags due to shortage of resources (see section 5.4.3). Additionally, the author mentioned that when it comes to handling and preserving a piece of evidence police should be mindful of the rules and regulations so that no doubt is posed about the authenticity of that item from the time it was first collected until all the potential uses are exhausted.

It is enshrined in SAPS NI 1 of 2015 that crime scenes must be preserved to prevent contamination and to ensure that the continuity of possession stays intact. This should be done by following the correct crime scene management procedures in terms of SAPS NI 1 of 2015 such as cordoning off the scene but some CSC participants confessed that they are not doing it even though they are fully aware of the importance of securing the scene. Physical evidence can be anything from large objects to microscopic traces so if the scene is not protected there is a high risk of contamination. All CSC participants lamented shortage of resources and all NPA participants also pointed shortage of resources as the

course of poor preliminary investigation. Lack of sufficient vehicles, human resource, exhibit bags and cordoning tapes in particular, were mentioned by CSC participants as major constraints that impact their performance when rendering service to the community. Due to shortage of resources CSC members make use of what is available to meet the expectations of the community and that put more strain on them.

Inadequate allocation of resources by SAPS negatively affects service delivery. The lack of human and physical resources negatively impacts CSC member's ability to conduct preliminary investigation at the burglary scene. It is not practically possible to swiftly respond to complaints with one vehicle attending to all complaints in a large policing area. The resources allocated to the station should meet the needs of the community and the burden of policing per police station. Contamination of the crime scene should be prevented at all cost because it ruins evidence and jeopardises a criminal case. Nine out of 12 CSC participants responded that they do not cordon-off the burglary scene. This means that the principles of Crime Scene Management as set out in NI 1 of 2015 are not being applied at the burglary crime scene by CSC officials as first responders.

## **6.5. SUMMARY**

This chapter demonstrated consistency of the empirical data collected with the existing literature. The chapter also synthesized what the literature including SAPS NI 1 of 2015 indicates on the three themes that emerged during data collection. Failure by CSC officials to cordon the scene as a result of lack of knowledge and shortage of resources is a full proof of contamination of physical evidence at the scene which negatively affect the objective of bringing justice to burglary victims for the harm or loss that they have suffered. The lack of knowledge and understanding of SAPS NI 1 of 2015, the Locard Exchange Principle and DNA evidence at the burglary scene greatly contribute to contamination, degradation and loss of the value of evidence.

The preceding chapter presented the findings on data collected from CSC officials, detectives, LCRC members and NPA prosecutors where three themes emerged. The findings, recommendation and conclusion derived from the research will be deliberated on the next chapter.

## **CHAPTER SEVEN**

### **SUMMARY, RECOMMENDATIONS AND CONCLUSION**

#### **7.1. INTRODUCTION**

Chapter seven provides a summary of the preceding chapters in this study. Subsequent to that, the researcher presents the recommendation based on the interpretation of each of the three themes emerged during empirical data collection presented in chapter 5 and interpreted in chapter 6. This chapter also offers a conclusion which is in accordance with the aim and objectives of the study. The research explored what seemed to be a problem of lack of knowledge and skills in preliminary investigation at the burglary scene by CSC officials as first responders. Purposive sampling was used to ensure that each sub-group (CSC officials, detectives, LCRC members and NPA prosecutors) selected was involved, exposed to or dealt with matters relating to preliminary investigation in their capacity.

#### **7.2. SUMMARY**

In chapter one, the researcher contextualised what seemed to be lack of knowledge and skills to conduct a preliminary investigation at burglary scenes by SAPS visible policing members placed in the CSC. Section 1.1 of this chapter explained in details where, how, when, what, why and who should conduct preliminary investigation. This chapter also outline the value of the study. Three key terms were defined in a triangulation form to assist in better understanding the entire work of the study in section 1.4. This chapter also discussed the aim of the study which is to evaluate preliminary investigation at the burglary scenes by first responders of Witbank cluster visible policing. The research purpose which is to explore, determine and evaluate to what extent the CSC officials are familiar with their roles and duties as first responders at the burglary scenes was also explained. The objectives of the research were also presented in chapter one as follows: to examine the understanding of preliminary investigation by members placed in the SAPS CSC at the stations in the Witbank cluster, to determine the principles and instructions governing the preliminary investigation at the crime scene, to explore the application of preliminary investigation by members placed in the SAPS CSC at the stations in the Witbank cluster, to determine what the best practices are with regard to

the preliminary crime scene investigation by first responders that emanate from their responsibilities as first responders at the burglary scene, to make feasible recommendations on how members stationed at the CSC in the Witbank cluster can improve on effective preliminary investigation at burglary scenes.

Chapter two discussed the regulatory framework regarding first responses to burglary scene. Critical issues regarding ethical behaviour at the burglary scene were discussed in section 2.3 of this chapter. Section 2.4 outlined the principles of Crime Scene Management and different phases of handling a crime scene as set out in NI 1 of 2015 and SAPS code of conduct. Legislations which guide the police when executing their duties such as constitution of the Republic (Act 108 of 1996), Criminal Procedure Act 51 of 1977 and SAPS Act 68 of 1995 were also presented in this chapter. Literature studied provides some information useful for this study in section 2.2. Section 2.5 deliberated on issues of control and coordination of the crime scene to avoid unnecessary contamination. Locard exchange principle's theory of connection at the burglary scene was also discussed in section 2.6. The researcher explained how contamination of the burglary scene adversely affects the integrity of evidence in section 2.7. Section 2.8 of this chapter addressed recognition and gathering of physical evidence as part of preliminary investigation. The significance of maintaining chain of custody was discussed in section 2.9. On the scene interviews to obtain preliminary information about the burglary was presented in section 2.10 of this chapter. Section 2.11 discussed the utilization of other role players by first responders at the burglary scene. In the same section, the researcher presented Experts and Aides and their purpose in preliminary burglary scene investigation.

Chapter three demonstrated the practices necessary with regard to the preliminary burglary scene investigation by first responders. Section 3.1 of this chapter which is an introduction, outlined how to draw an improved understanding of practices necessary to equip first responders with practices of conducting preliminary investigation at the burglary scene. Section 3.2 presented the Investigative star (otherwise called 6W's) which directs the first responder to gather detailed information at the crime scene. Systematic and orderly plan on how to approach and collect information at the burglary scene was

discussed in section 3.3 of this chapter. Section 3.4 addressed the responsibilities of first responders at the burglary scene. Crime scene processing as an inherent task and duty associated with the most critical investigation was presented in section 3.5. The researcher discussed the challenges impeding the effective application of preliminary investigation at the burglary scene in section 3.6. Section 3.7 dealt with the significance of attending and protecting the burglary scene. The researcher also presented practical measures to conduct useful preliminary investigation at the scene of burglary in section 3.8 of this chapter.

Chapter four illustrated the methodological approach used in the study. The pragmatic worldview of the study was discussed in section 4.2 of this chapter. Section 4.3 addressed the selection of the appropriate research design and approach. In the same section the researcher presented qualitative research approach as the appropriate method used for the study. The researcher discussed demarcation of the study in section 4.4. Target population of the study was outlined in section 4.5. The researcher also presented the strata of the SAPS CSC officials and general detectives in a form of a table in the same section. Section 4.5.2.3 explained purposive sampling which is also referred to as judgement sampling. Semi-structured interview method “face-to-face method” with participants to collect data (data collection) was discussed in section 4.5 of this chapter. Section 4.6 dealt with trustworthiness of the study. The researcher explained the ethical consideration in section 4.9. Bracketing as a methodological device that requires deliberate putting aside one’s own belief about the phenomenon under investigation was deliberated in section 4.10 of this chapter.

The findings of the study were presented in chapter five. This chapter identify and thematically analyse data collected from CSC officials, detectives, LCRC members and NPA prosecutors through transcribed interviews. Section 5.2 provides the skills level to conduct preliminary investigation. This section discussed the significance of conducting preliminary investigation, knowledge of SAPS NI OF 2015, the importance of DNA at the burglary scene, the awareness of Locard exchange principle, statement writing, adequacy of training and the use of technical specialists at the burglary scene. Challenges encountered when arriving at the burglary scene that negatively affect the proper

processing of the scene such as the large size of the policing area of jurisdiction, response of the victim when police arrive late at the scene, attitude of first responders to their work, contamination of physical evidence and neighbourhood watch were presented in section 5.3. Section 5.4 addressed shortage of necessary resources to conduct preliminary investigation such as vehicles, manpower, exhibit bags and cordoning tapes.

In chapter six the researcher interpreted and demonstrated the findings consistency with the existing literature in a form of sub-headings to ensure that sub-themes are clearly visible and understood. The chapter also synthesized the three themes emerged during empirical data collection.

### **7.3. RECOMMENDATIONS**

It is a well-known fact that preliminary investigation is the first investigation effort undertaken by the first police officers arriving at the scene and it involves interaction with the victims, complainants, witnesses and suspects. The primary objective of conducting preliminary is to determine the facts of event, to verify if an offence has occurred, who committed it and apprehend the perpetrator. However, there are still police officers who do not know what preliminary investigation is. If CSC members are competent in their duties, SAPS will benefit because members will be productive and this interventions will gradually restore public trust in the police.

#### **7.3.1 Skills level to conduct preliminary investigation**

Training is a planned effort by the organization to help employees improve their performance at work. It is thus extremely important that CSC members as first responders are educated about the foundation of criminal investigation because they are the first to arrive at the crime scene hence they make decision to summon other relevant role-players like LCRC and detectives and also establish boundaries and secure the scene etcetera.

- Retraining and re-educating all CSC members to help them develop skills to conduct preliminary investigation since they lack basic knowledge of crime scene technicalities is thus recommended.
- It is also recommended that all CSC officials as first responders should attend the following intensive training courses to improve their skills:
  - Crime scene management learning programme.
  - Basic investigation course.
  - First responder course.

The above-mentioned courses will most probably help CSC members and the new recruits to acquire the basic knowledge and skills needed at the crime scenes which include the ability to identify and establish crime scene perimeter, identify and protect evidence, documentation and collect most common type of physical evidence found at the crime scene. The courses mentioned *supra* will also ensure that CSC officials gain knowledge about the responsibilities of the first responders at the scene and closely follow the standard operating procedure as envisaged by SAPS NI 1 of 2015 and thus quality of evidence at crime scene is not compromised.

- Prioritizing CSC members for crime scene management course will prove a good strategy because as first responders at the crime scene they are extremely important. CSC members will also be able to learn about crime scene contamination, cross-contamination, loss of continuity, trace evidence, transient evidence, touch DNA and Locard Exchange Principle.
- NPA prosecutors indicated that they make decisions to prosecute based on the statements and evidence presented to them in the form of a police docket. Workshops by experienced NPA prosecutors to educate CSC members regarding comprehensive, proper statement and chain of custody to ensure enrolment of cases in court or to ensure that they do not decline to institute criminal proceeding against the suspects is thus recommended. These workshops will certainly benefit



CSC members to understand the reason why sometimes the prosecutors decline to enrol the case which is normally referred to as *nolle prosequi*.

- It is also recommended that all CSC personnel should attend statement taking course. This workshop will assist CSC members to record victims, complainants, witnesses or suspect's statements as accurately, detailed and completely as possible to reflect all information obtained.
- In organisation like SAPS, effective communication among CSC members and other relevant role-players like detectives and LCRC is essential especially because crime scene require team effort to ensure accurate identification, collection and preservation of all physical evidence. It is thus recommended that strict measures be implemented with regard to summoning of relevant role players to attend crime scene. Occurrence Book (OB) entry should be made indicating the date, time, full names and rank of the police officer who informed LCRC to attend the scene and the person spoken to from LCRC.
- Effective communication and articulation of decisions by top management is most crucial in SAPS. Dissemination of important information like SAPS National instructions should not only be limited to SAPS emails because members posted to attend complaints at the sectors do not have time to access computers. It is the honest truth that sometimes during on or off duty parade the members will be released to rush to attend serious crimes in progress and consequently fail to grasp such important communiqué. Furthermore, if the commander did not get such information then the whole shift will not have knowledge regarding the NI hence all CSC members did not have any knowledge about SAPS NI 1 of 2015. E-mail communication is thus not an ideal for CSC members since they patrol and attend complaints at the sectors. As technology progresses, SAPS should also adopt new technologies innovatively. Communication via WhatsApp, SMS or instant messaging seems to be effective. All SAPS employees including CSC members currently receive or access salary advises in their cell phones. It is thus recommended that important communiqué like NI also be send directly to CSC

official's cell phones via Short Messaging Service (SMS). By receiving such vital information directly will thus keep CSC members abreast with basic essential information to improve their performance.

### **7.3.2 Challenges encountered when arriving at the crime scene**

Most CSC members are passionate about serving the public but they bemoaned shortage of resources and necessary training to perform their duties. Due to shortage of resources, CSC members end up responding late to complaints and consequently verbally attacked by distraught family members and onlookers.

- The possible causes of stress and anxiety in the work place include heavy workloads, problems with clients, increased demand for higher quality service or any other pressure that is too much to handle etcetera. The above-mentioned work stressors are consistent with what CSC members are going through as a result of shortage of resources and can lead to burnout. It is thus recommended that SAPS provide regular training for CSC officials to counteract cynicism and also provide them with necessary resources and tools needed to succeed in combatting crime (training may including seminars, workshops and refresher courses). Team building events will also suffice instead of training which only focuses on operational and procedural aspects of policing.
- If the police are seen as ineffective to responding to complaints, this will diminish public confidence and results in hostility between the community and the police. Public education programmes are vital to improve public information. SAPS should embark on awareness campaigns which aim to alter public attitudes towards police in terms of increasing expectation by the community. Public education to improve public understanding of criminal justice system, enhance crime scene contamination awareness and to promote nonviolent conflict resolution is also vital.
- Workshops by experienced forensic personnel (LCRC member) to educate CSC members about the significance of all biological evidence including the evidential

value of human identification through forensic DNA analysis or microscopic comparison and the place where such evidence can be found in order to prevent future contamination is recommended.

- The issue of large policing area of jurisdiction will also be addressed by adequate personnel and vehicles. If there are adequate resources like manpower and bakkies, sector patrol vehicles will only attend to complaints at their specific sectors and thus improve responds time.

### **7.3.3 Necessary resources to conduct preliminary investigation**

The successful and effective prevention and investigation of crime requires adequate resources. Inadequate allocation of resources negatively affects the general policing operations. It is therefore important that CSC members are adequately equipped with necessary resources to conduct preliminary investigation. The CSC members cannot perform their duties optimally due to shortage of necessary resources at their disposal. Critical shortage of resources such as vehicles, exhibit bags, cordoning tapes and personnel at the station level severely impact the police ability to prevent and combat crime.

- SAPS should therefore capacitate the CSC officials with personnel and vehicles (tools of trade) to thrive in its crime combatting strategies. This will improve service delivery, response time and go a long way towards building safer communities and restoring confidence in the police.
- Police vehicles that are due for service or mechanical breakdown should be attended to immediately to ensure services delivery. The police should not struggle to get a vehicle to attend complaints as it is one of the important tools of trade in SAPS. The shortage does not only affect the police but the community at large feel the pinch because they are denied rapid police response when they are needed most.

- The basic rule of preventing crime is visibility however; this objective cannot be achieved with critical shortage of resources like vehicles. New vehicles should be readily available to replace those boarded due to high mileage or aging rather than waiting until they experience mechanical breakdown which impedes such vehicle's operation.
- Recruitment or enlistment of new police trainees to bolster SAPS crime combatting efforts and rapid response to complaints. With adequate personnel and vehicles on the ground the police will be able to respond quickly to complaints and this will build public trust and strengthen community relationships with the police.
- Bulk buying of exhibit bags, cordoning tapes and gloves will mitigate shortage of resources. Command and control in terms of distribution of resources is necessary.

#### **7.4. FUTURE RESEARCH**

The researcher recommends that further research needs to be conducted on the following aspects:

- How victims cope with the immediate trauma of the crime whilst waiting for the first responders at the burglary scene.
- The relationship between the victims and first responders based on the time lapse between reporting the complaints and their arrival.
- The impact of the availability of resources at the station level on the quality of the preliminary investigation.
- The CSC official's ability to interview complainants, victims, witnesses and suspects at the crime scene.

## **7.5. CONCLUSION**

The research sought to evaluate preliminary investigation at the burglary scenes by first responders of Witbank cluster visible policing. Some of CSC officials as first responders at the burglary scene lack knowledge about the Locard exchange principle. It also emerged that CSC officials are not aware of the fact that DNA plays an important role in identification and individualization of the criminal at the scene. They also did not have any knowledge about SAPS NI 1 of 2015 which clarifies their role and responsibilities at the scene. CSC members attributed poor preliminary investigation to large size of the police station's area of jurisdiction, numerous complaints as well as shortage of resources such as vehicles, manpower, exhibit bags and cordoning tapes. It is unequivocally clear that CSC members are not properly trained and equipped with necessary resources to conduct preliminary investigation at the burglary scene. CSC member's lack of knowledge and skills to conduct preliminary investigation adversely affect their performance at the burglary scene.

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## **LIST OF DECIDED CASES**

*R v Riekert* 1954 (4) SA 254 (SWA)

*S v Chogugudza* 1996 (1) SACR 477 (ZS)

*S v Kaptein* 1984 (3) SA 316 (CDP)

*S v Pistorius* (CC113/2013) [2014] ZAGPPHC 793 (12 September 2014)

# ANNEXURE A: UNISA ETHICAL CLEARANCE FORM (FORM 1)



## UNISA 2022 ETHICS REVIEW COMMITTEE

Date: 10 October 2022

ERC Reference No.: ST108-2022

Name: SR Phahlane

**Decision: Ethics Approval from  
2022:09:08 to 2025:09:08**

**Researcher:** Mr Seraki Ruben Phahlane

**Supervisor:** Prof HJ Snyman

**AN APPRAISAL OF THE PRELIMINARY INVESTIGATION AT CRIME SCENES BY FIRST RESPONDERS OF WITBANK CLUSTER VISIBLE POLICING**

**Qualification:** Master of Arts (Criminal Justice)

Thank you for the application for research ethics clearance by the Unisa 2022 Ethics Review Committee for the above-mentioned research. Ethics approval is granted for 3 years.

*The low-risk application was reviewed by the CLAW Ethics Review Committee on in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment.*

The proposed research may now commence with the provisions that:

1. The researcher will ensure that the research project adheres to the relevant guidelines set out in the Unisa Covid-19 position statement on research ethics attached.
2. The researcher(s) will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
3. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the CLAW Committee.
4. The researcher(s) will conduct the study according to the methods and procedures set out in the approved application.



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5. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.
6. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
7. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data requires additional ethics clearance.
8. No field work activities may continue after the expiry date **2025:10:10**. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

*Note:*

*The reference number TS108-2022 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.*

Yours sincerely,



Prof L Fitz  
Chair of CLAW ERC  
E-mail: [fitzlg@unisa.ac.za](mailto:fitzlg@unisa.ac.za)  
Tel: (012) 433-9504



Prof OJ Kole  
Acting Executive Dean: CLAW  
E-mail: [koleoj@unisa.ac.za](mailto:koleoj@unisa.ac.za)  
Tel: (012) 429-8305

# ANNEXURE B: PERMISSION TO CONDUCT RESEARCH WITH SAPS

SAP 21

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Privaatsak / Private Bag X11299 NELSPRUIT 1200

|                       |                             |
|-----------------------|-----------------------------|
| Versyking Reference   | 3/34/2                      |
| Naam/ Enquiries       | Maj Gen Lekubu<br>Col Mnisi |
| Telefoon Telephone    | 013 762 4536                |
| Faksnommer Fax number | 086 586 5936                |

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

- A. Component Head : Research  
South African Police Service  
**PRETORIA**  
**0001**
- B. S R Phahlane  
P.O Box 49  
**Kriel**

**PERMISSION TO CONDUCT RESEARCH IN SOUTH AFRICAN POLICE SERVICE:  
UNIVERSITY OF SOUTH AFRICA: MASTERS DEGREE: AN APPRAISAL OF THE  
PRELIMINARY INVESTIGATION AT CRIME SCENES BY FIRST RESPONDERS OF  
WITBANK CLUSTER VISIBLE POLICING; RESEARCHER: SR PHAHLANE**

- A.1 Your letter with reference no: 3/34/2 dated 2022-10-31 refers.
- 2. Permission is hereby granted for SR Phahlane to conduct research in relation to the above mentioned topic. The proposed research is viable.
- 3. The contact person is Col Mnisi ST. Contact details:  
(013 762 4536) Cell: 079 692 0670 and email address: MnisiST@saps.gov.za.  
\*\*\*\*\*
- B.1 Approval is hereby granted for you to conduct the research in the Province.
- 2. The contact person is Col Mnisi ST. Contact details:  
(013 762 4536) Cell: 079 692 0670 and email address: MnisiST@saps.gov.za.

  
**LIEUTENANT GENERAL**  
**PROVINCIAL COMMISSIONER: MPUMALANGA PROVINCE**  
**SD MANAMELA**

Date: 07/11/2022

# ANNEXURE C: PERMISSION TO CONDUCT RESEARCH WITH NPA

## STRATEGY, OPERATIONS & COMPLIANCE

### Strategy Management Office

Tel: +27 12 845 6000 | Fax: +27 12 845 7356  
Victoria & Griffiths, Mxenge Building, 123 Westlake Avenue  
Weavind Park, Silverton, Pretoria | P/Bag X752, Pretoria,  
0001, South Africa



National Prosecuting Authority  
South Africa

Enquiry: Mr. Chris Griffiths

Email: [cgriffiths@npa.gov.za](mailto:cgriffiths@npa.gov.za)

Phone: 012 845 6897

Date: 07/11/2022

Mr. Seraki Phahlane  
41 Heindrich Street  
Kriel  
2271

**RE: Approval of request to conduct interviews with Prosecutors in the Mpumalanga Division with regards to the preliminary investigation at crime scenes by first responders of Witbank Cluster Visible Policing**

Dear Mr. Phahlane

Thank you for showing interest in conducting research in the National Prosecuting Authority. The purpose of this letter is to inform you that your request to conduct interviews with Prosecutors in the Mpumalanga Division with regards to the preliminary investigation at crime scenes by first responders of Witbank Cluster Visible Policing has been approved.

The NPA appreciates that the University of South Africa Ethics Committee has approved your research. Please consider and/or observe (whichever is applicable) the under-mentioned in support of your research:

1. The research request focuses on "An appraisal of the preliminary investigation at crime scenes by first responders of Witbank Cluster Visible Policing".
2. Permission to conduct research is limited to conducting interviews with a total of seven (7) Prosecutors based at the following Magistrates Courts: Witbank, Voerman, Delmas, Kriel

Independence • Professionalism • Accountability • Credibility

and Ogies, and is subject to their availability and personal willingness to contribute to your research.

3. Permission is specifically subject to the stated research questions as stated in your research proposal and interview schedule.
4. Research with NPA officials should adhere to COVID-19 related Regulations.
5. It is requested that a copy of the dissertation be sent to the NPA for perusal upon completion of the research project.
6. It is also requested that in the event of publishing an article on research which contains NPA information, such an article should be shared with the NPA.
7. This approval letter is valid for 2 years from the date of approval by the Acting Deputy Director-General: Corporate Services. In case your research exceeds the above-mentioned timeframe, you will be required to re-apply.

In your case, there will be no need to complete "FORM A", which is the request for access to records of a Public Body, in terms of section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) since your research study only involves interviews with selected Prosecutors.

Kindly keep the NPA informed about further developments on this research and please direct your correspondence to Dr. Kefentse Mojaki-Moremogolo on the following details:

**Telephone number:** 012 845 6506 / 073 079 8444  
**E-mail address:** [KMojaki-Moremogolo@npa.gov.za](mailto:KMojaki-Moremogolo@npa.gov.za)

Yours sincerely



**Ms. Matshidiso Modise**  
**Acting Deputy Director-General: Corporate Services**  
**Date:** 26. 1. 2023

# ANNEXURE D: UNISA (PARTICIPANT) INFORMATION SHEET AND INFORMED CONSENT FORM



## PARTICIPANT INFORMATION SHEET

Ethics clearance reference number: ST108-2022

Research permission reference number:

Date:

### RESEARCHER'S NAME: SERAKI RUBEN PHAHLANE

I am doing research for the purpose of the degree of Master of Arts in Criminal Justice at the University of South Africa.

**Title:** An appraisal of the preliminary investigation at burglary scenes by first responders of Witbank cluster visible policing.

**My research supervisor:** is Professor HF Snyman

### THE PURPOSE OF THE STUDY is:

To evaluate the understanding and application of preliminary investigation at the burglary scenes by SAPS police officials placed in the CSC at Witbank cluster.

### YOU ARE INVITED TO PARTICIPATE:

Because you have been involved, exposed to or dealt with matters relating to preliminary investigation at the burglary scene in your capacity as a police officer

**Your role:** will be to answer interview questions regarding understanding and application of preliminary investigation at the burglary scenes by SAPS CSC officials.

**The researcher will use:** semi-structured interviews or face-to-face method to collect data.

**The expected duration** to conduct interviews is approximately 45 minutes.

**Participating in this study** is voluntary and you are under no obligation to consent to participation. You are free to withdraw at any time and without giving a reason. Participation is voluntary and there is no penalty for non-participation.



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**THE POTENTIAL BENEFITS OF TAKING PART IN THIS STUDY is that:**

The research will help and guide first responders to execute their duties more effectively when they arrive at the burglary scene. This will in turn benefit the whole society since defence lawyers won't find any discrepancies to render evidence inadmissible or win cases on technicalities. This will also help to reduce the number of civil liabilities (litigations) against SAPS.

**There are:** no adverse events or harm is anticipated.

Your name will not be recorded anywhere and that no one, apart from the researcher will know about your involvement in this research or connect you to the answers you give (you will remain anonymous).

A report of the study may be submitted for publication, but individual participants will not be identifiable in such a report.

There won't be any form of compensation to the participants or financial cost to be incurred by you for participating in this research.

**HAS THE STUDY RECEIVED ETHICS APPROVAL**

This study has received written approval from the Research Ethics Review Committee of Unisa. This is a copy of the approval letter.

**HOW WILL I BE INFORMED OF THE FINDINGS/RESULTS OF THE RESEARCH?**

If you would like to be informed of the final research findings, please don't hesitate to contact me on cellphone no: 072 636 4128 or on my email address: 32652348@mylife.unisa.ac.za.

Should you have concerns about the way in which the research has been conducted, you may contact PROF. HF SNYMAN, Office no: 012 4339464, Email: rsnyman@unisa.ac.za.

Thank you.

Signature:

Name:



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## CONSENT TO PARTICIPATE IN THIS STUDY

I, \_\_\_\_\_ (participant name), confirm that the person asking my consent to take part in this research has told me about the nature, procedure, potential benefits and anticipated inconvenience of participation.

I have read (or had explained to me) and understood the study as explained in the information sheet.

I have had sufficient opportunity to ask questions and am prepared to participate in the study.

I understand that my participation is voluntary and that I am free to withdraw at any time without penalty (if applicable).

I am aware that the findings of this study will be processed into a research report, journal publications and/or conference proceedings, but that my participation will be kept confidential unless otherwise specified.

I agree to be interviewed.

I have received a signed copy of the informed consent agreement.

Participant Name & Surname.....

Participant Signature.....Date.....

Researcher's Name & Surname: SERAKI RUBEN PHAHLANE

Researcher's signature.....Date.....



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## ANNEXURE E: INTERVIEW SCHEDULE FOR CSC OFFICIALS (SAMPLE A)

### INTERVIEW SCHEDULE FOR CSC OFFICIALS, SAPS WITBANK CLUSTER

Researcher's Name: Seraki Ruben Phahlane

|                |                             |
|----------------|-----------------------------|
| Institution:   | UNISA                       |
| Student no:    | 32652348                    |
| Enquiries:     | Seraki Ruben Phahlane       |
| Telephone:     | 072 636 4128                |
| Email address: | 32652348@mylife.unisa.ac.za |

PARTICIPANT NO: \_\_\_\_\_

### INTERVIEW SCHEDULE FOR SAMPLE 'A' (SAPS CSC OFFICIALS)

#### Research Topic:

An appraisal of the preliminary investigation at burglary scene by first responders of Witbank cluster visible policing.

#### Research Aim:

To evaluate the understanding and application of preliminary investigation of burglary scenes by SAPS police officials placed in the CSC at Witbank cluster.

#### Biographical Information:

#### Instructions: Delete whichever is not applicable:

Please answer the following questions in this interview schedule. The interview is conducted anonymously and you will not be identified (the information will not be used to identify you). A written permission has been obtained in advance from SAPS to conduct this interview.

I hereby give permission to be interviewed by the researcher. I am aware that I may withdraw from answering questions at any time before or during the interview. Yes / No

Date: \_\_\_\_\_

1. Are you employed by SAPS as a police officer? (Yes / no)
2. Are you a CSC official/uniform member? \_\_\_\_\_
3. Where are you stationed? \_\_\_\_\_
4. Province? \_\_\_\_\_
5. For how long have you been in the police (Years of experience)? \_\_\_\_\_
6. What is your rank? \_\_\_\_\_



**INTERVIEW SCHEDULE FOR CSC OFFICIALS, SAPS WITBANK CLUSTER**

**Research questions:**

7. What do you understand about burglary scene?

---

8. What do you understand about preliminary investigation?

---

9. Do you conduct preliminary investigation at the burglary scene?

---

---

10. Do you cordon-off the burglary scene?

---

11. Do you plan ahead (systematic and orderly plan of action) with your crew on how to approach and collect information at the burglary scene?

---

---

12. How long in minutes do you typically take to arrive at the burglary scene?

---

---

13. What influences the length of time for you to arrive at the burglary scene?

---

---

14. What are the potential risks or consequences of responding late (delay) to the burglary scene?

---

---

15. What kind of challenges you commonly come across at the burglary scene that prevent you from doing your work properly or that affect your performance as first responder?

---

---

16. Are you properly equipped with necessary resources (enough personnel and other resources) as first responding officer to conduct preliminary investigation?

---

---

17. Do you think you are adequately trained to conduct preliminary investigation as a first responding officer?

---

---

18. How do you determine when to summon/call other role players to attend the burglary scene like detectives, LCRC and other technical specialists?

---

---

19. What does the SAPS National Instruction 1 of 2015 contribute to your work as a first responder to a burglary scene?

---

---

20. Do you think you perform your tasks fairly and effectively at the burglary scene?

---

---

21. Do you need training about crime scene management?

---

---

22. Do you have any knowledge about Locard Exchange principle?

**INTERVIEW SCHEDULE FOR CSC OFFICIALS, SAPS WITBANK CLUSTER**

---

---

23. Do you have any knowledge about DNA evidence?

---

---

24. What do you understand about contamination of the burglary scene and how can it be prevented?

---

---

Thank you for taking the time to participate in this interview.

# ANNEXURE F: INTERVIEW SCHEDULE FOR SAPS GENERAL DETECTIVES (SAMPLE B)

## INTERVIEW SCHEDULE FOR SAPS GENERAL DETECTIVES

RESEARCHERS NAME: SERAKI RUBEN PHAHLANE

|                |  |
|----------------|--|
| Institution:   | UNISA  |
| Student no:    | 32652348   |
| Enquiries:     | Seraki Ruben Phahlane  |
| Telephone:     | 072 636 4128   |
| Email address: | <a href="mailto:32652348@mylife.unisa.ac.za">32652348@mylife.unisa.ac.za</a> |

PARTICIPANT NO: \_\_\_\_\_

### INTERVIEW SCHEDULE FOR SAMPLE 'B' (SAPS DETECTIVES)

#### Research Topic:

An appraisal of preliminary investigation at the burglary scene by first responders of Witbank cluster visible policing.

#### Research Aim:

To evaluate the understanding and application of preliminary investigation of burglary scenes by SAPS police officials placed in the CSC at Witbank cluster.

#### Biographical information:

##### Instructions: delete whichever is not applicable:

Please answer the following questions in this interview schedule. This interview is conducted anonymously and you will not be identified (the information will not be used to identify you). A written permission has been obtained in advance from SAPS to conduct this interview.

I hereby give permission to be interviewed by the researcher. I am aware that I may withdraw from answering questions at any time before or during the interview. Yes / No  
Date: \_\_\_\_\_

1. Are you employed by SAPS as a police officer? (Yes / no)
2. Are you a SAPS detective? \_\_\_\_\_
3. Where are you stationed? \_\_\_\_\_
4. Province? \_\_\_\_\_
5. For how long have you been in the police (Years of experience)? \_\_\_\_\_
6. What is your rank? \_\_\_\_\_

**INTERVIEW SCHEDULE FOR SAPS GENERAL DETECTIVES**

**RESEARCH QUESTIONS:**

7. What do you understand about preliminary investigation?

---

8. What do you understand about a burglary scene?

---

9. How often do you attend burglary scenes as a detective and who summon you to attend?

---

---

10. Do you think it is important to visit the burglary scene as a detective?

---

---

11. What are the mistakes usually made by CSC officials at the burglary scene?

---

---

12. What are the mistakes usually found in the docket when you receive it from CSC officials for further investigation?

---

13. What kind of challenges you commonly come across at the burglary scenes that affect your investigation?

---

---

14. Do you think uniform members are adequately trained to conduct preliminary investigation at the burglary scene as first responding officers?

---

---

**INTERVIEW SCHEDULE FOR SAPS GENERAL DETECTIVES**

15. Do you think uniform members perform their task fairly and effectively at the burglary scene?

---

---

16. What should be done to improve CSC official's performance at the burglary scenes?

---

---

17. What do you understand about the Locard Exchange principle?

---

---

18. Do you think uniform members have sufficient knowledge about the Locard Exchange principle since they normally arrive first at the burglary scene?

---

Thank you for taking the time to participate in this interview.

## ANNEXURE G: INTERVIEW SCHEDULE FOR LCRC MEMBERS (SAMPLE C)

### INTERVIEW SCHEDULE FOR SAPS LCRC MEMBERS AT WITBANK CLUSTER

RESEARCHERS NAME: SERAKI RUBEN PHAHLANE

|                |                             |
|----------------|-----------------------------|
| Institution:   | UNISA                       |
| Student no:    | 32852348                    |
| Enquiries:     | Seraki Ruben Phahlane       |
| Telephone:     | 072 636 4128                |
| Email address: | 32852348@mylife.unisa.ac.za |

PARTICIPANT NO: \_\_\_\_\_

### INTERVIEW SCHEDULE FOR SAMPLE 'C' (SAPS LCRC MEMBERS)

#### Research Topic:

An appraisal of the preliminary investigation at the burglary scene by first responders of Witbank cluster visible policing.

#### Research Aim:

To evaluate the understanding and application of preliminary investigation of burglary scenes by SAPS police officials placed in the CSC at Witbank cluster.

#### Biographical information:

#### Instructions: delete whichever is not applicable:

Please answer the following questions in this interview schedule. This interview is conducted anonymously and you will not be identified (the information will not be used to identify you). A written permission has been obtained in advance from SAPS to conduct this interview.

I hereby give permission to be interviewed by the researcher. I am aware that I may withdraw from answering questions at any time before or during the interview. Yes / No  
Date: \_\_\_\_\_

1. Are you employed by SAPS? (Yes / no)
2. Are you a SAPS LCRC member (Crime scene technician)? \_\_\_\_\_
3. Where are you stationed? \_\_\_\_\_
4. Province? \_\_\_\_\_
5. For how long have you been in the LCRC (Years of experience)? \_\_\_\_\_
6. What is your rank? \_\_\_\_\_

**INTERVIEW SCHEDULE FOR SAPS LCRC MEMBERS AT WITBANK CLUSTER**

**RESEARCH QUESTIONS:**

7. Can you describe to me what a burglary scene is?

---

8. What do you understand preliminary investigation is?

---

9. Do you think CSC officials always call relevant role players like LCRC to attend the burglary scene?

If not, why do you think would they not do so?

---

10. What are mistakes usually committed by CSC officials at the burglary scene when you are summoned as an expert?

10.1 Common or crucial mistakes:

---

---

10.2 Why do you think do they make these mistakes?

---

---

11. Do you think it is important for uniform members to arrive at the burglary scene quickly?

---

---

12. What are the potential risks or consequences of responding late (delay) to the burglary scene?

---

---



**INTERVIEW SCHEDULE FOR SAPS LCRC MEMBERS AT WITBANK CLUSTER**

13. What kind of challenges you commonly come across at the burglary scene that prevent you from doing your work properly as crime scene technician?

---

---

14. Do you think uniform members perform their task fairly and effectively at the burglary scene?

---

---

15. Do you think uniform members are adequately trained to conduct preliminary investigation as first responding officer?

---

---

16. What should be done to improve CSC official's performance at the burglary scene?

---

---

Thank you for taking the time to participate in this interview.

**INTERVIEW SCHEDULE FOR SAPS LCRC MEMBERS AT WITBANK CLUSTER**

13. What kind of challenges you commonly come across at the burglary scene that prevent you from doing your work properly as crime scene technician?

---

---

14. Do you think uniform members perform their task fairly and effectively at the burglary scene?

---

---

15. Do you think uniform members are adequately trained to conduct preliminary investigation as first responding officer?

---

---

16. What should be done to improve CSC official's performance at the burglary scene?

---

---

Thank you for taking the time to participate in this interview.

# ANNEXURE H: INTERVIEW SCHEDULE FOR NPA PROSECUTORS (SAMPLE D)

## INTERVIEW SCHEDULE FOR NPA PROSECUTORS AT WITBANK CLUSTER

RESEARCHERS NAME: SERAKI RUBEN PHAHLANE

|                |                             |
|----------------|-----------------------------|
| Institution:   | UNISA                       |
| Student no:    | 32852348                    |
| Enquiries:     | Seraki Ruben Phahlane       |
| Telephone:     | 072 636 4128                |
| Email address: | 32852348@mylife.unisa.ac.za |

PARTICIPANT NO: \_\_\_\_\_

### INTERVIEW SCHEDULE FOR SAMPLE 'D' (NPA PROSECUTORS)

#### Research Topic:

An appraisal of the preliminary investigation at the burglary scenes by first responders of Witbank cluster visible policing.

#### Research Aim:

To evaluate the understanding and application of preliminary investigation of burglary scenes by SAPS police officials placed in the CSC at Witbank cluster.

#### Biographical information:

Instructions: delete whichever is not applicable:

Please answer the following questions in this interview schedule. The interview is conducted anonymously and you will not be identified (the information will not be used to identify you). A written permission has been obtained in advance from NPA to conduct this interview.

I hereby give permission to be interviewed by the researcher. I am aware that I may withdraw from answering questions at any time before or during the interview. Yes / No

Date: \_\_\_\_\_

1. Are you employed by NPA as state prosecutor? (Yes / no)
2. Where are you working? \_\_\_\_\_
3. Province? \_\_\_\_\_
4. For how long have you been a prosecutor (Years of experience)? \_\_\_\_\_

**INTERVIEW SCHEDULE FOR NPA PROSECUTORS AT WITBANK CLUSTER**

**RESEARCH QUESTIONS:**

5. What do you understand a burglary scene is?

---

6. What do you understand about preliminary investigation?

---

7. Based on your knowledge and experience, are there dockets which you receive with suspects arrested at the burglary scene (normally called direct arrests) by CSC officials?

---

---

8. Do you prosecute or you sometimes decline to prosecute or withdraw cases with suspects arrested at the burglary scene by CSC officials before the prosecution stage?

---

---

9. Based on your experience, what are the reasons for cases with suspects arrested at the crime scene by CSC officials ending up not being enrolled or withdrawn before prosecution stage?

---

---

10. Based on your knowledge, are there cases of direct arrest (suspect found at the burglary scene) by CSC officials that reach a prosecution stage, but end with a not guilty verdict and without a conviction?

---

---

11. Based on your experience, what are the reasons for this cases ending with a not guilty verdict and without a conviction?

---

---

**INTERVIEW SCHEDULE FOR NPA PROSECUTORS AT WITBANK CLUSTER**

12. What are common mistakes committed by CSC officials that you find in a case docket presented to you for prosecution or trial (after they have conducted preliminary investigation at the burglary scene)?

---

---

13. Do you think CSC officials (uniform members) are adequately trained to conduct preliminary investigation as first responding officers at the burglary scenes?

---

---

14. Do you think CSC officials are adequately equipped with necessary resources (enough personnel and other resources) as first responding officer to conduct preliminary investigation?

---

---

15. Do you think CSC officials (uniform members) perform their tasks fairly and effectively at the burglary scenes?

---

---

16. What do you think should be done to improve CSC official's performance at the burglary scene?

---

---

17. What is the significance of CSC officials (uniform members) in attending the burglary scene in terms preliminary investigation and prosecution?

---

---

Thank you for taking the time to participate in this interview.





# ANNEXURE J: CRIME SCENE ACCESS LOG

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

## ANNEXURE D3: CRIME SCENE MANAGEMENT: RECORD OF ACCESS TO A CRIME SCENE

**Instructions:**

Complete all sections of this form.  
Where the requested information is not applicable to the scene, mark "n/a".  
Cross out relevant choice, where applicable.  
Complete a new form for each day that the crime scene is under control of the SAPS.

Hand the completed form to the Crime Scene Manager.  
**Note:** Particulars of emergency personnel who were on the scene first, will be available in the Casualty Log.

**REFERENCE NUMBER**

|         |  |            |  |             |  |                       |  |
|---------|--|------------|--|-------------|--|-----------------------|--|
| Station |  | CAS-<br>CR |  | SAPS<br>298 |  | Occurrence<br>Book no |  |
|---------|--|------------|--|-------------|--|-----------------------|--|

**PARTICULARS OF FIRST MEMBER**

| Number | Rank | Name | Unit | Telephone number |
|--------|------|------|------|------------------|
|        |      |      |      |                  |

**ACCESS LOG**

| NAME                |  |              |  | NAME                |  |              |  |
|---------------------|--|--------------|--|---------------------|--|--------------|--|
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |
| NAME                |  |              |  | NAME                |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |



**ANNEXURE D3: CRIME SCENE MANAGEMENT: RECORD OF ACCESS TO A CRIME SCENE**

|                     |  |              |  |                     |  |              |  |
|---------------------|--|--------------|--|---------------------|--|--------------|--|
| <b>NAME</b>         |  |              |  | <b>NAME</b>         |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |
| <b>NAME</b>         |  |              |  | <b>NAME</b>         |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |
| <b>NAME</b>         |  |              |  | <b>NAME</b>         |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |
| <b>NAME</b>         |  |              |  | <b>NAME</b>         |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |
| <b>NAME</b>         |  |              |  | <b>NAME</b>         |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |

**ANNEXURE D3: CRIME SCENE MANAGEMENT: RECORD OF ACCESS TO A CRIME SCENE**

|                     |  |              |  |                     |  |              |  |
|---------------------|--|--------------|--|---------------------|--|--------------|--|
| <b>NAME</b>         |  |              |  | <b>NAME</b>         |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |
| <b>NAME</b>         |  |              |  | <b>NAME</b>         |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |
| <b>NAME</b>         |  |              |  | <b>NAME</b>         |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |
| <b>NAME</b>         |  |              |  | <b>NAME</b>         |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |
| <b>NAME</b>         |  |              |  | <b>NAME</b>         |  |              |  |
| Telephone number    |  |              |  | Telephone number    |  |              |  |
| Unit or institution |  |              |  | Unit or institution |  |              |  |
| Reason for entering |  |              |  | Reason for entering |  |              |  |
| Time entering       |  | Time leaving |  | Time entering       |  | Time leaving |  |

**ANNESURE D3: CRIME SCENE MANAGEMENT: RECORD OF ACCESS TO A CRIME SCENE**

TRANSFER FROM FIRST MEMBER TO

| Number | Rank | Name | Unit | Telephone number |
|--------|------|------|------|------------------|
|        |      |      |      |                  |

ADDITIONAL PAGES

Number of additional pages: \_\_\_\_\_

ADDITIONAL TRANSFERS OF THIS DOCUMENT

| Number | Rank | Name | Unit | Telephone number |
|--------|------|------|------|------------------|
|        |      |      |      |                  |

\_\_\_\_\_  
Signature of Recipient

Date

PARTICULARS OF CRIME SCENE COMMANDER

| Number | Rank | Name | Unit | Telephone number |
|--------|------|------|------|------------------|
|        |      |      |      |                  |

\_\_\_\_\_  
Signature of Crime Scene Commander (Detective)

Date



5. ADDRESS CALLED TO:

|                      |  |  |  |
|----------------------|--|--|--|
| Address              |  |  |  |
| Nearest intersection |  |  |  |

6. ARRIVAL AT SCENE:

|                              |     |    |  |
|------------------------------|-----|----|--|
| Time of arrival at scene     |     |    |  |
| Report arrival to Dispatcher | YES | NO |  |

7. FIRST HANDOVER:

|  |  |  |  |
|--|--|--|--|
| Person (member of public) whom scene was received from |  |  |  |
| Relation to scene, e.g. complainant                    |  |  |  |

8. EMERGENCY PERSONNEL:  
Refer to Casualty Log for details of emergency personnel and injured.

9. ACCESS ROUTES:

9.1 Has the access route to and from the scene been indicated?

|     |  |    |  |
|-----|--|----|--|
| Yes |  | No |  |
|-----|--|----|--|

9.2 Notes:

|  |
|--|
|  |
|  |
|  |
|  |
|  |

10. SITREP TO DISPATCHER:

|                                 |  |
|---------------------------------|--|
| Time of report                  |  |
| Nature of incident, e.g. murder |  |
| Summary of events               |  |
| Support specifically requested  |  |

11. SAFETY STATUS (mark with a cross):

|                |            |            |                |
|----------------|------------|------------|----------------|
| Armed suspects | Bio-hazard | Chemical   | Dangerous mobs |
| Explosives     | Fire       | Structural | Traffic        |

12. ACTION TAKEN:

|                    |     |    |
|--------------------|-----|----|
| Suspects arrested  | YES | NO |
| Number of suspects |     |    |
| Station removed to |     |    |

13. CORDONING OF THE SCENE:

|  |  |
|--|--|
| Position of inner cordon,<br>e.g. front door             |  |
| Position of outer cordon,<br>e.g. corner of Burke Street |  |

14. COMMAND CENTRE:

|   |  |
|---|--|
| Description and location<br>of command centre, e.g.<br>police vehicle parked in<br>front of 234 Burke Str |  |
|---|--|

15. ACCESS CONTROL:

Use the Access Log for recording entrance onto scene.

16. DESIGNATION AREA FOR WITNESSES:

|   |  |
|---|--|
| Description and location<br>of area for witnesses, e.g.<br>Lounge 234 Burke Str |  |
|---|--|

Complete Witness Log to record particulars of witnesses.

17. SECONDARY SCENE:

17.1 If building:

|         |  |
|---------|--|
| Address |  |
|---------|--|

17.2 If vehicle:

|                |    |  |
|----------------|----|--|
| Make           | a) |  |
|                | b) |  |
| Colour         | a) |  |
|                | b) |  |
| Registration # | a) |  |
|                | b) |  |

17.3 Other:

|             |  |
|-------------|--|
| Location    |  |
| Description |  |

17.4 Notes:

|  |
|--|
|  |
|  |
|  |
|  |
|  |

18. OBSERVATIONS (when first arrived on scene):

|                                    |             |                              |               |            |         |
|------------------------------------|-------------|------------------------------|---------------|------------|---------|
| Weather                            | Clear       | Overcast                     | Rain          | Mist / Fog | Hail    |
|                                    | Dust        | Fire / Smoke                 | Snow          | Sever wind | Unknown |
| Wind direction, e.g North West     |             |                              |               |            |         |
| Force of wind, e.g breeze of storm |             |                              |               |            |         |
| Location of door keys              |             |                              |               |            |         |
| Windows                            | Opened      | Closed                       | Broken        |            |         |
| Light condition                    | Daylight    | Night (lit by street lights) | Night (unlit) |            |         |
|                                    | Down / Dusk | Other (specify)              |               |            |         |
| Odours and smells                  |             |                              |               |            |         |
| Notes                              |             |                              |               |            |         |
|                                    |             |                              |               |            |         |
|                                    |             |                              |               |            |         |
|                                    |             |                              |               |            |         |
|                                    |             |                              |               |            |         |

19. ANY OTHER IMPORTANT / RELEVANT INFORMATION:

|  |
|--|
|  |
|  |
|  |
|  |
|  |

20. HANDOVER TO CRIME SCENE MANAGER:

|                        |     |                                |                            |
|------------------------|-----|--------------------------------|----------------------------|
| Time                   |     | Name of Crime Scene Manager    |                            |
| Signature: Fire Member |     | Signature: Crime Scene Manager |                            |
| Attended debriefing    | YES | NO                             | Attended debriefing YES NO |

## ANNEXURE L: TURNITIN DIGITAL RECEIPT



### Digital Receipt

This receipt acknowledges that Turnitin received your paper. Below you will find the receipt information regarding your submission.

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Assignment title: Revision 1  
Submission title: AN APPRAISAL OF THE PRELIMINARY INVESTIGATION AT BUR...  
File name: Draft\_30\_June\_2023\_2.docx  
File size: 1.41M  
Page count: 212  
Word count: 63,137  
Character count: 340,157  
Submission date: 31-Aug-2023 11:14AM (UTC+0200)  
Submission ID: 2154899078



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## ANNEXURE M: TURNITIN REPORT SUMMARY

### AN APPRAISAL OF THE PRELIMINARY INVESTIGATION AT BURGLARY SCENE BY FIRST RESPONDERS OF WITBANK CLUSTER VISIBLE POLICING

#### ORIGINALITY REPORT

|                  |                  |              |                |
|------------------|------------------|--------------|----------------|
| <b>21</b> %      | <b>17</b> %      | <b>7</b> %   | <b>10</b> %    |
| SIMILARITY INDEX | INTERNET SOURCES | PUBLICATIONS | STUDENT PAPERS |

#### PRIMARY SOURCES

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|----------|---|----------------|
| <b>1</b> | <b>uir.unisa.ac.za</b><br>Internet Source                       | <b>4</b> %     |
| <b>2</b> | <b>hdl.handle.net</b><br>Internet Source                        | <b>2</b> %     |
| <b>3</b> | <b>Submitted to Stadio Holdings</b><br>Student Paper            | <b>1</b> %     |
| <b>4</b> | <b>Submitted to University of South Africa</b><br>Student Paper | <b>1</b> %     |
| <b>5</b> | <b>vdoc.pub</b><br>Internet Source                              | <b>1</b> %     |
| <b>6</b> | <b>pressbooks.bccampus.ca</b><br>Internet Source                | <b>&lt;1</b> % |
| <b>7</b> | <b>core.ac.uk</b><br>Internet Source                            | <b>&lt;1</b> % |
| <b>8</b> | <b>www.ncbi.nlm.nih.gov</b><br>Internet Source                  | <b>&lt;1</b> % |

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