

**PERSONAL DESCRIPTION: AN INVESTIGATION TECHNIQUE TO
IDENTIFY SUSPECTS**

by

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**submitted in accordance with the requirements
for the degree of**

MAGISTER TECHNOLOGIAE

in the subject

Forensic Investigation

at the

UNIVERSITY OF SOUTH AFRICA

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NOVEMBER 2009

DECLARATION

I, Justice Thabang Sefanyetso hereby declare that “Personal Description: An Investigation Technique to Identify Suspects” is my own work and that all sources that I have used or quoted have been indicated and acknowledged by means of complete references.

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ABSTRACT

This study investigates the use of personal description as an investigation technique to identify suspects. The study entails qualitative data obtained from interviews with investigators, literature, as well as case studies. The study found that personal description can be used as an investigation technique to identify suspects.

There are eight techniques that the investigator should apply in order to identify suspects or perpetrators of a criminal act. To conduct effective investigation, it is important for the criminal investigators to be familiar with the techniques of identification and the application thereof.

The description of offenders plays an important role as far as arresting offenders is concerned. The methods used - or to be used - by investigators to describe a person were also discussed. It is important that the investigators should work with other government departments, private investigators and security officials, to implement this technique in order to identify and arrest offenders.

KEY TERMS

Personal description; Personal identification; Criminal investigation; Forensic investigation; Investigator; Witness; Individualisation; Evidence; Modus operandi; Interview.

ACKNOWLEDGEMENT

This work would have not been possible if it was not for the support I enjoyed from a number of people. These include those who directly or indirectly participated in the completion of this work. It is then with sincere appreciation to the following:

1. God the Almighty for his grace and giving me strength during the course of my studies.
2. All the participants who were willing to grant me interviews.
3. My supervisor, Dr Nick Olivier, for his guidance and patience, to complete this work.
4. Marlette van der Merwe who edited this dissertation.
5. My friend Lesedi Moraka for giving me courage to complete this work.
6. My Mother Keneilwe and my Grandmother Betty for their support in everything I do, especially studying.
7. My lovely wife Kgomotso and my two daughters Kgalalelo and Kgolagano for always giving me support and a chance to do my work. This work is dedicated to you as a token of appreciation for your constant support and encouragement.

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CHAPTER 1

GENERAL ORIENTATION

1.1 INTRODUCTION

Crime in South Africa is happening on a daily basis, and it is having a direct effect on the country's economy. A crime statistics report for the financial year 2004/2005, released by the Minister of Safety and Security, indicated a decline in some of the serious crimes in South Africa, e.g. murder decreased by 5.6 %. Robbery, however, increased by 5.5%. A concern is cash-in-transit robbery, which has increased dramatically (South African Police Service Crime Information Analysis Centre (CIAC), 2005:2). A recent example of armed robbery seen on television and in the local newspapers, occurred at the Johannesburg International Airport, and more armed robberies recently took place at casinos around the country.

In Ga-Rankuwa alone, priority crimes such as armed robbery, housebreaking, murder and rape are a concern, as they happen daily. A report from Ga-Rankuwa Crime Information Analysis Centre (South African Police Service 2008:01) indicates that in April 2007, 31 cases of armed robberies were reported, as compared to 37 in April 2008, and 36 cases of housebreaking occurred in 2007, as compared to 39 cases in April 2008. Rape cases increased and murder cases dropped, compared to 2007. Very few arrests are being effected and the conviction rate is too low. Out of 143 cases reported for housebreaking, rape, armed robberies and murder cases, only 49 convictions were secured. According to the SAPS 6, many cases are withdrawn by the police and the state prosecutors because of insufficient evidence, or because suspects

could not be linked to the case. Others are closed as undetected, as suspects could not be traced. Preliminary investigation has shown that investigators do not use correct investigative measures to trace and identify suspects, as some could not even tell what methods they use to identify offenders.

1.2 AIM OF THE RESEARCH

According to Terreblanche and Durrheim (1999:55), the research aim specifies and operationalises the focus of the research. This should be a brief and concrete statement of what the research plans to investigate.

The aim of the research was to find out how personal description can be used as a technique in the investigation of crime, to identify suspects.

1.3 PURPOSE OF THE RESEARCH

According to Denscombe (2002:25) there should be a reason for doing research. If not, it would be pointless spending money and time undertaking the investigation. Denscombe continues by saying that the purpose statement indicates the focus and direction of the research, and provides criteria for the evaluation of the research.

With the viewpoint of Denscombe in mind, the researcher decided on the following as the purpose of this research:

- Evaluate: The researcher studied the existing ways investigators use to identify suspects, with the intention of identifying their strengths and/or weaknesses. By doing that, the researcher considered how the procedures and techniques could be improved.
- Explore: The researcher realised that evaluating the existing procedures used by local investigators, alone, would not solve the problem of poor performance. The researcher therefore decided to explore techniques being used by investigators internationally, and consulted literature in an

attempt to find new information.

- Develop good practice: The researcher recommended new procedures for investigators to use, based on the strength of the existing procedures and those found internationally. The aim was to come up with recommendations for good practice that would, if applied, enhance the performance of investigators, which in turn would lead to a higher arrest - and most probably success - rate.

1.4 RESEARCH QUESTIONS UNDER INVESTIGATION

Research questions are there to specify exactly what is to be investigated. They are things that are directly investigated by the research - specific things that are to be observed, measured and interrogated, in order to shed light on the broader topic (Denscombe, 2002:31). The research questions provide a clear picture of what exactly has to be investigated, and give a full account of the nature of the work to be undertaken.

The research questions formulated to specify exactly what was to be investigated are as follows:

- What is identification?
- What does personal description entail?
- How can personal description be used to identify suspects?

1.5 KEY THEORETICAL CONCEPTS

Key theoretical concepts are the main concepts that are used in the research report. These are key concepts pertaining to the research problem, which must be defined. According to Wimmer and Dominick (2003:42), concepts are important because they simplify the research process, as they combine characteristics, objects or people into more general categories.

The following are key theoretical concepts used in this report:

- 1.5.1 Personal description: concerns the description of the alleged offender by the victim, complainant or other eyewitness who observed the crime being

committed (Marais & Van Rooyen, 1990:83).

- 1.5.2 Personal identification: is the positive identification of persons, living or dead, and can be direct or indirect (Marais, 1992:21).
- 1.5.3 Criminal investigation: is the process of discovering, collecting, preparing, identifying and presenting evidence, to determine what happened and who is responsible (Bennett & Hess, 2007:06).
- 1.5.4 Investigator: is a law enforcement officer working towards the resolution of a criminal matter, through investigative action (Gilbert, 2001:45).
- 1.5.5 Witness: is defined as one who sees or knows by personal presence and perception (Gilbert, 2001:119).

1.6 RESEARCH DESIGN AND APPROACH

The design explains in some detail how the researcher intended to conduct the work, namely how the questions asked in each research would be addressed (Sarantakos, 2005:105). This implies that the researcher went through the research steps one by one, and described adequately the activities undertaken in each step (Sarantakos, 2005:105). In other words, a research design is a plan for carrying out the research from the initial stage to the last stage. The process includes research questions emanating from the topic. The investigative questions, in the form of an interview schedule, follow from the main questions.

The study made use of an empirical design. Empirical study involves the subject of the research (research participants) as an integral part of the design (Mouton, 2001:149). According to Denscombe (2007:08), empirical research involves the idea of getting out of the chair, going out of the office and purposefully seeking the necessary information “out there”. The author further states that this kind of research involves direct contact with relevant people and places (Denscombe, 2007:72).

This study made use of a qualitative approach in the development of the measuring instrument (interview schedule), as well as in the data collection.

Qualitative approach, according to Marshall and Rossman (1999:46), is research that seeks to explore a “where and why” policy; people’s wisdom and practice do not work. The qualitative approach in this study concentrated on the questions that required verbal explanations from the participants.

The study made use of case studies (in the form of a case analysis) and also documentary sources. Mouton (2001:150) states that empirical studies are usually qualitative in nature and that they aim to provide an in-depth description of a small number (less than 50) of cases. Multi-method research, involving the use of more than one method, is known as the triangulation method (Denscombe, 2002:134). Questions that require verbal explanations are, for example, how they apply the technique of personal description in order to identify suspects. Qualitative methodology is based on the assumption that valid understanding can be gained through accumulated knowledge acquired at first by a single researcher (De Vos, Strydom, Fouche & Delport, 2002:364). Qualitative information can essentially be presented verbally - for instance, the reasons given by the participants for the way in which they operate and why they chose such methods. The advantage of this approach is that its strength presents a full and complete overview of the research.

The type of data needed in this study, and the research questions, were formulated from data consisting of qualitative elements. Qualitative data comes in a variety of forms, such as notes made while observing in the field, interview transcripts, documents, diaries and journals (Wimmer & Dominick, 2003:111).

1.7 TARGET POPULATION AND SAMPLING

The population is the study object, which may be individuals, groups, organisations, human products and events, or the conditions to which they are exposed (Welman & Kruger, 1999:47). The population here refers to all the investigators in South Africa. Because of time and money constraints, the researcher could not interview all investigators. The researcher therefore

decided to work with a target population. The target population was the four police stations, i.e. Mabopane, Loate, Klipgat and Ga-Rankuwa. Mabopane, Loate and Ga-Rankuwa are situated in Gauteng, while Klipgat is in the North West Province. These stations were selected from a target of eight police stations in the area, i.e. Letlhabile, Temba, Mabopane, Loate, Ga-Rankuwa, Mothotlung, Brits and Klipgat. Although these police stations are not in the same province, they are in the same area and nearer to each other. These stations were previously situated in the eastern side of the North West Province until February 2008, when Ga-Rankuwa, Mabopane, Loate and Temba were placed in the Gauteng Province, based on the fact that their areas were within the municipal boundary. The researcher decided on this area because it was the area in which he was working and residing.

The type of sampling used was probability sampling - simple random sampling. The stations were assigned with numbers, written down on a table in two rows. The researcher then blindly went up and down through the rows, marked with a pen on a table and selected a number closest to the pen mark. This was repeated until the required number was obtained. The investigators at these four police stations were the target population of the research. A target population is the population to which a researcher ideally would like to generalise their results (Welman & Kruger, 1999:122). Only 34 investigators were interviewed, due to lack of cooperation from the others. The number of detectives in the target population at these stations, was 120 (N=120).

The number of detectives in each station was as follows:

- Mabopane = 32
- Ga-rankuwa = 38
- Loate = 30
- Klipgat = 20

The sample drawn from this population was 40 (n=40) detectives. A sample is a

subset of the population that is representative of the entire population (Wimmer & Dominick, 2003:84). The type of sampling used to select a sample from the target population was probability sampling - simple random sampling. According to Leedy and Ormrod (2005:199), in probability sampling the researcher can specify in advance that each segment of the population will be represented in the sample. By using this type of sampling, each subject or unit of analysis in the population has an equal chance of being included, and each sample of a particular size has the same chance of being chosen (Welman & Kruger, 1999:52). When such a random sample is selected, the researcher can assume that the characteristics of the sample approximate the characteristics of the total population (Leedy & Ormrod, 2005:199).

Detectives were assigned numbers from one to the last number, per station, depending on their number at the specific police station. Numbers were written down on a table, in three rows. The researcher then blindly went up and down through the rows, marked with a pen on the table and selected a number closest to the pen mark. The researcher repeatedly did this until ten investigators per station were obtained. This type of sampling is known as simple random sampling.

1.8 DATA COLLECTION

Three data collection techniques were used in this research – namely, literature, interviews and case studies. This approach is known as the triangulation method. According to Neuman (2000:124), this process of triangulation is used by qualitative researchers and it means: to look at something from several angles, rather than to look at it in only one way. This procedure allows the researcher to view a particular point in research from more than one perspective, and hence to enrich knowledge and or test validity (Sarantakos, 2005:145).

1.8.1 Literature

To identify literature relevant to the topic of investigation, the researcher visited libraries, and listed the headings and keywords under which relevant literature

relating to the topic was classified in the library computer retrieval system. The staff of the libraries assisted in conducting computer searches for relevant references. There was no literature with the same topic as this research. Literature that was found was relevant to the topic, as it fell within the field of criminal investigation. The researcher did include documents and journals as part of the literature research. The researcher also checked bibliographies, i.e. compiled lists of books already in existence, which cover the topic being investigated and also the ones close to it. These bibliographies contained information relevant to the topic being researched. Study guides, also, were obtained from investigators, which they use when attending detective courses. Articles relevant to the topic were also retrieved from the Unisa website; this was undertaken as part of the academic courses. Reference sections in these articles were used to locate and retrieve sources relevant to this research. The literature was analysed to find answers to the research questions under investigation. All the information retrieved from the literature and used throughout the report, was acknowledged, i.e. the sources were written down if they were not the idea of the researcher.

The research is considered to be worthwhile and valuable, as it contributes practical information to be used by investigators. This research addresses the problem of methods used to identify criminals.

1.8.2. Interviews

The researcher collected data by means of personal interviews. Some participants were visited at their workplace and some at their place of residence. The basic type of interview used was the structured interview. In a structured interview, the interviewer puts a collection of questions from a previously compiled interview schedule, to a participant, face to face, and records the latter's responses (Welman & Kruger, 1999:166). According to Wimmer and Dominick (2003:190), this is the most flexible means of obtaining information, because a face-to-face situation lends itself easily to questioning in greater depth

and detail. Furthermore, its advantage is that once the interview has started, it is more difficult for the participants to terminate the interview before all the questions have been asked.

The questions in the interview schedule emanate from the research questions and the comparisons undertaken with other interview schedules. The questions were organised in a logical sequence, proceeding from the general to the specific. The questions on a similar topic were grouped together and the transition between questions and sections were clear and logical.

The following steps, as stipulated by Leedy (1993:195), were undertaken by the researcher for successfully handling the interview as a technique for gathering data for the research:

- The interview was set up well in advance.
- The agenda of questions to be asked was sent out to the participants.
- Permission was requested to use a tape recorder.
- The date was immediately confirmed in writing.
- A reminder was sent, together with another agenda of questions, ten days before the agreed date.
- The researcher was prompt, followed the agenda, and had a copy of questions for the interview, in case the interviewee had mislaid their copy.
- Following the interview, a typescript of the interview was submitted to the interviewee. Either a written acknowledgment of its accuracy, or a correct copy from the interviewee, was received.
- After incorporating the material into the research report, that section of the report was sent to the interviewee for final approval, and written permission was sought to use the data in the report.

After the completion of the interview schedule, it was piloted in the first five interviews conducted at Ga-Rankuwa police station. This was done to establish whether the interview schedule would generate enough information and whether

any changes and adjustments were needed. The accuracy of the answers obtained was again evaluated by the researcher for practical implementation.

1.8.3 Case docket analysis

Case studies are conducted when a researcher needs to understand or explain a phenomenon (Wimmer & Dominick, 2003:129). A case study may be especially suitable for learning more about a little known or poorly understood situation. It may also be useful for investigating how an individual or programme changes over time (Leedy & Ormrod, 2005:135). In this research, the researcher used case docket analysis as a form of case studies to establish how personal identification is used in practice by investigators. It also supported the information obtained from the participants. These dockets included five case dockets from each of the four police stations, that were closed and filed between April 2005 and April 2006. The dockets in all four police stations, for all offences, numbered approximately 800. A sample of five dockets was requested from each of the four police stations, which made a total of 20 dockets. Dockets studied included those of serious crimes, including murder, rape and armed robbery.

The researcher used simple random sampling to select a sample of dockets. Dockets were placed on top of each other in accordance with the offence, and the researcher blindly selected from the bundles. This process was repeated until the required sample was reached.

Information that was extracted covered the following points:

- whether arrests were made
- whether the suspects were known to the complainants
- the procedures they followed to identify the suspects
- if personal description was used - the application thereof to be determined
- whether the case docket was withdrawn as a result of an undetected suspect or not being able to link the suspect with the case

1.9 DATA ANALYSIS

Data was analysed by using the analytic induction technique. In this method, an explanation for the phenomenon, in the form of research questions, is generated at the beginning of the study (Wimmer & Dominick, 2003:113). In this research, the topic was defined at the beginning of the report. An explanation of the phenomenon, in the form of the research problem, was generated at the beginning of the study. Data that was used in this research is of a qualitative nature, which comes from interviews, documents, journals and notes made while observing in the field. Data analysis in qualitative studies is done early in the collection process, and continues throughout the project (Wimmer & Dominick, 2003:111). In this research report, data was analysed using the inductive method, i.e. data relevant to the topic was collected and grouped into appropriate and meaningful categories. Data was arranged chronologically, according to the sequence of events that occurred during the investigation. Notes jotted down during interviews and in the field were reconstructed, and the text from the audio tape was transcribed. Each piece of information was coded to identify the source. Photocopies of the notes and all other documents that were used, were made. This data was then organised into a preliminary category system. The researcher made multiple photocopies of the data, cut them into inherent units of analysis, and physically sorted them into as many categories as might be relevant.

1.10 METHODS TAKEN TO ENSURE VALIDITY

Validity concerns the accuracy of the questions asked, the data collected and the explanations offered. Generally it relates to the data and the analysis used in the research (Denscombe, 2002:100). The population consisted of all detectives in the South African Police Service (SAPS). It was a focused population with regard to the nature of duties they performed, i.e. investigations. The researcher used part of the sample, as all the detectives in South Africa could not be reached in a small period of time, and it would have been costly. The study focused only on

detectives in four police stations, namely, Mabopane, Ga-Rankuwa, Klipgat and Loate. The researcher used probability sampling - simple random sampling. This gave each of the detectives a chance to be included or to participate in the research. The research was valid, as the results could be generalised to the entire population of detectives.

The researcher regarded the literature to be relevant, as valid textbooks, newspaper reports as well as the SAPS journals, were used. Valid information was also retrieved from the Unisa website, which was used throughout the research. Detailed data was obtained from open-ended questions in the interview schedule. The researcher interviewed experts in the field being researched. Questions asked were valid, because they related to the topic that was formulated to address the research questions. All interviews were conducted personally by the researcher. He wrote down the answers personally - this enhanced accuracy, consistency, validity and completeness of the data gathered.

Information that was extracted from case dockets was valid, as it had been used to address the research questions. The researcher recorded each of the participants' body language, emotions and other forms of behaviour when they were asked questions. Data obtained from the questions on the interview schedule, as well as documents, were analysed throughout the research report. Data analysis used was valid, as it gave the researcher enough opportunity to study all data collected for the research. This study investigated the proposed research question. The collection of this qualitative data was of high value, since the researcher personally collected all the data used in the report.

The researcher used a multiple data collection technique, known as triangulation. The fact that the researcher used several methods in obtaining data is an indication that the results were valid and accurate. Triangulation allows the researcher to achieve a higher degree of validity, credibility and research utility (Sarantakos, 2005:146).

1.11 METHODS TAKEN TO ENSURE RELIABILITY

Reliability relates to the methods of data collection and the concern that they should be consistent and not distort the findings. Generally, it entails an evaluation of the methods and techniques used to collect the data (Denscombe, 2002:100). Detailed qualitative data was obtained from the open-ended questions in the interview schedule. This data largely dealt with the answers from the participants. This data made it possible for the advantages of qualitative data analysis to be used, in order to analyse, interpret and explain the use of personal description in identifying suspects. The reliability of the questions on the interview schedule emanated from the literature study, and they were compared with other interview schedules. As a result, the researcher knew whether the questions were appropriate. The interview schedule was, further, sent for evaluation and assessment by experts within the field, prior to being tested in the field. This included the Department of Public Safety and Criminal Justice at Unisa. The researcher used a variety of tools to help in achieving detailed and precise measures. Case studies and documents enabled the researcher to obtain the exact information required - for example, information extracted from case dockets. These data collection techniques helped the researcher to obtain exact, reliable information. The fact that the researcher used a tape recorder during the interviews helped him to also achieve the desired standard of exactness.

1.12 ETHICAL CONSIDERATIONS

According to Denscombe (2002:176), the responsibility for the ethical conduct of the research rests with the researcher. It is therefore becoming increasingly common for researchers to need to gain formal approval from a research ethics committee, before they embark on their research. Prior written permission was obtained from the SAPS for undertaking the research project.

Leedy and Ormrod (2005:101) state that most of the ethical issues in research

fall into one of four categories:

- Protection from harm: Researchers should not expose participants to undue physical or psychological harm. Participants should not risk losing life or limb, nor should they be subjected to unusual stress, embarrassment, or loss of self esteem. Participants were informed beforehand that their participation would not subject them to any form of harm or stress, as questions would be related to their normal day-to-day functions.
- Informed consent: Research participants should be told the nature of the study to be conducted, and given the choice of either participating or not participating. Furthermore, they should be told that if they agree to participate, they have the right to withdraw from the study at any time. Before conducting the interview, consent was obtained from the participants - agreement was reached between the interviewer and the participants. They were informed that they were not compelled to take part in the research and they might terminate their participation at any time during the interview. Participants were informed of the purpose of the research and that their participation would be of great importance. No form of remuneration (e.g. money) was exchanged for information from the participants.
- Right to privacy: Any research study should respect participants' right to privacy. Under no circumstances should a research report, either oral or written, be presented in such a way that others become aware of how a particular participant has responded or behaved. The participants were informed that their anonymity was guaranteed, if they wished to remain anonymous. They were also informed that their right to privacy, as entrenched in the South African Constitution (South Africa, 1996), would be respected. This also includes the right to refuse to participate in, or answer, any question.
- Honesty with professional colleagues: Researchers must report their findings in a complete and honest fashion, without misrepresenting

what they have done, or intentionally misleading others about the nature of their findings. Any use of another person's ideas or words demands full acknowledgement, otherwise it constitutes plagiarism and documentary theft. All facts used in this research were honestly reported and all sources used during the research were acknowledged throughout the report.

1.13 RESEARCH STRUCTURE (CHAPTERS AND LAYOUT)

To address the research problem and ensure that all the research questions were answered, the researcher divided the report into the following chapters:

Chapter 2: Identification

The concepts of criminal investigation and forensic investigation are briefly discussed in this chapter. The concept of identification, as well as methods used to identify criminals which would enable the investigator to identify such criminals, are also dealt with in this chapter.

Chapter 3: Personal description

This chapter deals with personal description and how it is used to identify offenders. Methods used to obtain information, and how a person is described physically, are discussed, as well as the role played by the criminal investigator in obtaining this information.

Chapter 4: The use of personal description in identifying suspects

This chapter includes discussions of various practical ways in which personal description can be used to identify offenders.

Chapter 5: Findings and recommendations

This chapter provides the findings and recommendations of the whole research

report.

CHAPTER 2

IDENTIFICATION

2.1 INTRODUCTION

Crime is happening on a daily basis, and is the talking point on national television as well as in the newspapers. The members of the SAPS are mandated by s205 (3) of the Constitution (South Africa, 1996) to prevent and investigate crime. It is, however, a fact that absolute prevention of crime is impossible, and thus the police are bound to investigate crime that has been committed. These individuals have to rely on aid from within the police service, i.e. forensic experts, who are trained to perform special functions.

Criminal investigation revolves around identifying the perpetrator involved in the commission of an offence. Investigators have to rely on specific techniques and tactics in order to investigate, trace and arrest the alleged offenders. The process of personal identification plays an important role in proving that the perpetrator is responsible for the crime committed.

In this chapter, the concepts of criminal and forensic investigation are discussed. The chapter further deals with methods or techniques used to identify persons, which will enable the investigator to identify suspects.

2.2 CRIMINAL INVESTIGATION

According to Greene (2007:356), criminal investigation is the reconstruction of a past event, through which police personnel solve crimes. The author further states that detectives or other investigative personnel take numerous factors into consideration when reconstructing a case, in order to determine who committed the crime and under what circumstances the crime was committed (Greene, 2007:356). Bennett and Hess (2007:06) and Berg and Horgan (1998:06) state that criminal investigation is the process of discovering, collecting, preparing, identifying and presenting evidence, to determine what happened and who is

responsible. The participants further shared this viewpoint when stating that criminal investigation is the process of identifying who is responsible for the offence, arresting the person, preparing a docket and presenting evidence before a court of law.

Van der Westhuizen (1996:04) states that criminal investigation takes place with definite objectives in mind - which describes more precisely a commitment which must be achieved within an appointed time and according to a specified standard.

Several authors, including Bennett and Hess (2007:08), Greene (2007:356), Berg and Horgan (1998:06) and Brown (2001:03), identify the following primary objectives of criminal investigation:

- determine whether a crime has been committed, and if so what crime
- deal with emergencies
- establish crime scene priorities
- identify the perpetrator
- locate and apprehend the perpetrator
- recover stolen property
- discover all facts pertaining to the complainant, i.e.
 - gather and preserve physical evidence
 - develop and follow up all clues
- assist in prosecution and conviction of the defendant or defendants

The participants' version of the objectives of criminal investigation can be summarised as follows:

- Twenty-eight participants stated that the objective of criminal investigation is to determine how the crime was occurred, who is responsible and to arrest the responsible person(s).
- The other six participants stated that the objective of criminal investigation is to arrest the responsible person(s) and bring them before

the court.

Although the participants did not mention all the objectives as stated in the literature, this was an indication that they were familiar with some of the objectives. This means that they did not have in-depth knowledge of the objectives.

2.3 FORENSIC INVESTIGATION

“Forensic” is an adjective, defined as relating to the use of science or technology in the investigation and establishment of facts or evidence in a court of law (Bennett & Hess, 2007:25). The authors further state that investigation is a patient, step-by-step inquiry or observation, a careful examination, a recording of evidence, or a legal inquiry (Bennett & Hess, 2007:06). Based on these two definitions, the researcher concluded that forensic investigation is a step-by-step inquiry or observation, careful examination and recording of evidence, and establishing facts using science, in order to present evidence before the court. Based on this definition, the researcher can conclude that criminal and forensic investigations are basically the same. They both refer to the method of obtaining evidence related to any investigation and assisting with the prosecution thereof.

All the participants had the idea that forensic investigation is the kind of investigation conducted by experts, mainly from the Criminal Record Centre (CRC) and the Forensic Science Laboratory (FSL). This viewpoint by participants was not the same as the actual meaning of what forensic investigation really entails. This was an indication that the participants lacked knowledge about what forensic investigation entails - which means that they did not receive proper training in the concept.

Greene (2007:562) and Inman and Rudin (2001:78) state that the use of forensic investigation in the justice system requires that a series of steps be taken in the proper sequence. The authors further state that this process may include any or

all of the following:

- Recognition: This is the ability to separate important and potentially informative items in the case from the background and other unrelated materials. The recognition process involves the basic principles of forensic examination, pattern recognition, physical property observation, field testing and information analysis.
- Documentation: Proper and complete documentation is critical to fulfilling the requirements of the chain of custody. The exact location where evidence was found can be very important in the reconstruction of an incident. A reconstruction requires the synthesis of all of the information available.
- Collection and preserving: This is an important step to ensure that physical evidence was collected and preserved to meet legal and scientific requirements. Different types of physical evidence have somewhat different requirements in terms of packing and marking. Investigators have to follow the correct guidelines in handling physical evidence.
- Identification: This is a process common to all of the sciences and, in fact, to everyday life. It may be regarded as a classification scheme in which items are assigned to categories containing like items, and given names. Objects are identified by comparing their class characteristics with those of known standards or previously established criteria. Some types of physical evidence require that scientific tests be conducted to identify them, e.g. drugs, blood stains, etc.
- Classification: This is done by comparing the class characteristics of the questioned evidence with those of known standards or control material. If all the measurable class characteristics are the same in the questioned sample and the known control, then these two samples could have come from the same source or origin. If there are significant differences in some of the class characteristics measurements, then the questioned sample can be absolutely excluded as having come from the particular source. In

other words, the exclusionary value of comparison in the forensic investigation is considered absolute.

- Individualisation: This is unique to forensic investigation. It refers to the demonstration that a particular sample is unique, even among members of the same class. It may also refer to the demonstration that a questioned piece of physical evidence and a similar known sample have a common origin.
- Reconstruction: This is based on the results of crime scene examination, laboratory analysis and other independent sources of information, to reconstruct events. Reconstruction often involves the use of inductive and deductive logic, statistical data, information from the crime scene, pattern analysis and laboratory analysis results on a variety of physical evidence.
- Interpretation and testifying: A final step in the multi-step forensic investigation process is court testimony. It is essential to treat every item and every case as if it will go to a major trial.

According to the researcher, these viewpoints form part of the objectives of criminal investigation as well the whole process of criminal investigation, which is the reason why the researcher concluded earlier that criminal and forensic investigation are the same.

Criminalists or forensic specialists are persons specifically trained to collect evidence and to make scientific tests on and assessments of various types of physical evidence (Berg & Horgan, 1998:40). According to Greene (2007:560) and James and Nordby (2005:168), the following are some important uses of physical evidence that contribute to a forensic investigation, which include criminal investigation as well:

- establishing a corpus delicti (corpus delicti refers to those essential facts which show that a crime has taken place)
- determining the modus operandi
- identifying people (victim or suspect)

- identifying substances
- establishing linkages or exclusions
- supporting or disproving statements
- providing investigative leads

2.4 EVIDENCE

According to Longman's Dictionary of Contemporary English (1987:349), evidence is described as something such as a fact, sign or object that gives proof or reasons to believe or agree with something. The dictionary further states that it can be regarded as the answers given in a court of law. Joubert (2001:331) states that evidence comprises all the information and material submitted to the court by the parties, to enable the presiding officer to judge and settle a dispute.

According to Sennewald and Tsukayama (2001:139) evidence is defined as:

- the state of being evident
- something that makes another thing evident, such as a sign
- a statement of a witness, an exhibit, etc., bearing or establishing the point in question in a court of law

Twenty-one participants stated that evidence is objects found at the scene of crime, and that can assist in the investigation of the committed offence. They gave an example of firearms, cartridges, blood and suicide notes. Furthermore, eight participants stated that evidence can as well be the one that is given orally by the witnesses in court during the trial to prove or disprove allegations. The remaining five participants stated that evidence is revealed by the investigator, and it is used in the building of a case to be presented before a court of law. Although this is not the exact definition as defined in the literature, the participants have an idea of what comprises evidence.

Brown (2001:49) agrees with Joubert (2001:342), when stating that evidence

consists of:

- oral/testimonial evidence

Oral/testimonial evidence is evidence that is presented by witnesses to a crime. Evidence is usually presented orally, under oath, in the presence of the public and parties to the case, and is subject to examination.

- real evidence

Real evidence is often referred to as physical evidence and consists of tangible objects that can be presented before the court. Common types of real evidence are murder weapons or stolen goods. Video film and a tape recording are also examples of real evidence, as ruled in *S v Mpumlo* 1986 (3) SA 485 (E).

- documentary evidence

Documentary evidence is referred to as any written thing capable of being evidence. A document is anything that is written proof of something. Regardless of whether it is in writing or in images, if it contains written proof of facts, it is a document. Documentary evidence may include cheques, birth and death certificates and suicide notes.

During the case docket analysis, it was found that in six out of 20 dockets, the accused were convicted because there was sufficient evidence to prove the case. Nine dockets were withdrawn and/or the accused were acquitted due to lack of evidence. In the remaining five, the suspects could not be traced.

2.5 DEFINITION AND MEANING OF IDENTIFICATION

Identification is an analytical classification process by which an entity is placed in a predefined, limited or restricted class (Brenner, 2003:137). Marais (1992:19) and Greene (2007:562) define identification as a classification scheme whereby objects with similar characteristics are placed in one category, and the category is given a name. Greene (2007:562) further states that in forensic science, identification usually refers to the identification of the items of physical evidence. Some types of physical evidence require that scientific tests be conducted to

identify them. Drugs, bloodstains and seminal stains are examples. Objects are identified by comparing their class characteristics with those of known standards or previously established criteria (Greene, 2007:562).

Inman and Rudin (2001:78) are of the opinion that in the recognition of illegal drugs - marijuana, for example - the forensic process stops with identification. The criminal justice system is not necessarily concerned with the marijuana field or methamphetamine laboratory from which the drugs originated; simple possession of the scheduled substance fulfils the criteria of illegality. The process of identification answers the case investigation question: "What is it?" Identification, according to Barnard, Cronje and de Klerk (2002:162) simply shows that something or someone belongs to a particular class - in other words, that A is simply A and a hair is simply a hair. No comparison is made.

According to Inman and Rudin (2001:54), the word "identification" has often been restricted to describing the appearance or composition of an item, and using those characteristics to place it in a class or category with other items. Sometimes this is a step on the way to individualisation, and sometimes it is an end in itself. Marais (1992:19) agrees with this statement, when maintaining that identification and individualisation in criminalistics are two inalienable concepts. One follows the other and they are complementary. The author further states that identification without individualisation has no evidential value, but serves rather as a direction, giving aid in the investigation of crime or victim identification (Marais, 1992:19).

Twenty-five (25) participants' understanding of identification can be summarised as the process whereby an object or an individual can be recognised beyond doubt, either by witnesses or through evidence. Five of these twenty-five further highlighted that identification can be conducted by relatives or friends of the unknown dead person. The remaining nine stated that, in criminal investigation, identification can be described as a process of identifying the suspects, such as

during the identification parade, and by obtaining information from victims and witnesses. These viewpoints are in line with those of the literature, which means that the participants have an understanding of the concept.

Marais (1992:02) states that the crime investigation process is made up of situation, victim and perpetrator identification. In addition to these categories, Van der Westhuizen (1996:06) further state that the other categories include,

witness, imprint, origin, action and cumulative identification. For the purposes of this study, concentration will be placed on perpetrator identification.

2.5.1 Perpetrator identification

Barnard et al. (2002:163) and Marais (1992:04) state that perpetrator identification refers to the identification of the person rather than to the identification of their unlawful participation in the crime. The collection of information and facts, in order to determine the identity of the offender and their part in the crime, remains the crux of any crime investigation (Marais, 1992:04). Barnard et al. (2002:163) agree with Marais (1992:05), when stating that identification can be done directly or indirectly.

The direct methods refer especially to perpetrator identification techniques such as:

- personal descriptions
- identikits/sketches
- identification parades
- informal/casual identification
- photograph identification
- voice identification
- modus operandi

Indirect identification refers to physical evidence and phenomena such as

- physical evidence left behind at the scene by the criminal, e.g. fingerprints, footprints and tool marks
- physical evidence that links the criminal with the victim, e.g. blood, semen, hair and fibres

Gilbert (2004:442) states that there are two basic types of suspect identification:

- positive identification - referring to information that identifies an individual beyond question, and is legally acceptable as pertaining to and originating with that particular individual
- tracing information – referring to all other information that may be indicative of the personal identity of an individual

The methods and techniques to trace the suspect will vary according to circumstances (Barnard et al., 2002:253). The authors further state that the basic steps to trace the suspect are as follows:

- Follow up on any leads or information.
Visit pawn shops or known dealers in stolen goods, to try and locate any property that was stolen/ removed by the suspect.
- Establish the identity and whereabouts of the suspect.
Try to establish the identity of the suspect through visual (photograph) identification by witnesses, as well as fingerprints or other physical evidence.
- Circulate the suspect's information.
If photographs are available or the suspect is known, this information can be circulated by the media with a request for information on the whereabouts of the suspect.
- Place the suspect's hideout or accomplices under surveillance.
Observe possible accomplices and their family members who might visit the suspect or their family, as well as vehicles used by people visiting the premises, so that ownership traces can be done for further investigation and possible identification of accomplices.

- Follow up on resulting information.
Follow up on any information obtained regarding the possible identity or whereabouts of the suspects. Check alibis of possible suspects and accomplices.

Van der Westhuizen (1996:17) and Barnard et al. (2002:151) state that the categories of identification show, in fact, three components, namely:

- the persons who are directly or indirectly involved in the identification of victim, perpetrator and witnesses
- the nature of the deed and the way in which it was carried out, which in turn suggest identification of deed, imprint or origin
- the unlawful character of the deed, which points, in this regard, to the identification of the crime situation

2.6 INDIVIDUALISATION

According to Inman and Rudin (2001:78), identification may also occur as a step towards individualisation. Individualisation is only possible if it is preceded by a series of identifications (Marais, 1992:19). Individualisation refers to the demonstration that a particular sample is unique, even among members of the same class (Greene, 2007:563). The author further states that it may also refer to the demonstration that a questioned piece of physical evidence and a similar known sample have a common origin (Greene, 2007:563). Any forensic analysis that proceeds on the path toward individualisation, relies on a comparison of at least two items (Inman & Rudin, 2007:78).

According to James and Nordby (2005:169), individualisation is facilitated by comparison testing. The best example of a comparison individualisation is fingerprint evidence. Recent advances in automated fingerprint identification systems (AFIS) and deoxyribonucleic acid (DNA) databases (CODIS) allow a single fingerprint or small bloodstain found at a crime scene to identify or, more

properly, individualise a suspect (James & Nordby, 2005:169). On the other hand, the participants were not familiar with the concept of individualisation.

2.7 TECHNIQUES OF IDENTIFICATION

According to Gilbert (2001:515-544), Bennett and Hess (2007:190-205), Brown (2001:120-123) and Marais and Van Rooyen (1990:106-108), the following identification techniques can be used by the investigating officer in an attempt to identify and trace the suspected offender:

2.7.1 Field identification/show-up identification

Field identification or show-up identification is on-the-scene identification of a suspect by a victim of - or witnesses to - a crime (Bennett & Hess, 2007:192). Joubert (2001:390) refers to this form of identification as incidental or spontaneous, and it is done outside the court. Marais and Van Rooyen (1990:106) state that chance or informal identification, in the street or elsewhere, usually takes place when the crime investigator, immediately after the commission of the crime, acceptance of a complainant and obtaining of a personal description, accompanies the complainant or witness in the street or places in the vicinity of the crime scene, where the suspected criminal may possibly be traced (Marais & Van Rooyen, 1990:106).

According to twenty-seven participants, this is normally done by members of the Community Service Centre (CSC), as the investigators are not available around the clock at the CSC. They accompany the complainant or witnesses to the crime scene or vicinity thereof, looking for the possible suspect. After arresting the possible suspect, they merely detain them and make an entry on the SAPS 5 (investigation diary). The other seven participants stated that they are normally called when they are on standby; as a result they accompany the complainant or the witnesses to the scene. Information on how the suspect was arrested was endorsed in the investigation diary (SAPS 5) of seven case dockets. This information did not appear on the remaining thirteen dockets.

An example of field identification in practice is as follows:

Two ladies aged 20 and 22, respectively, entered the CSC at Ga-Rankuwa police station. They complained that they had just been robbed of their cell phones, money and jewellery, when they were passing through the passage next to the police station, by two young men - one wearing blue jeans, a white tee shirt and red cap, and the other wearing black trousers. They could not notice the shirt colour, but he was wearing a school bag on his back. They informed an officer that they would be able to identify them if taken to the surroundings of the scene, as they also indicated the direction the young men took after the incident. The police quickly accompanied those ladies, patrolled the area, and noticed the men matching the description. They apprehended the suspects, who tried to flee, but the police managed to arrest them. Inside the school bag they found ten cell phones and jewellery, as well as a toy gun.

In this instance, the description of the offenders matched the one given by the complainants to the police. As a result, this description played an important role in arresting the offenders. Joubert (2001:390) states that prior identification under such circumstances is definitely much more reliable than identification when the accused is standing in the dock. According to Gilbert (2004:457), courts have held that allowing a witness to view a single suspect shortly after a crime, is permissible. Since witnesses often make mistakes with regard to the identity of a suspect, the courts treat evidence of identification with caution (Joubert, 2001:276).

Joubert (2001:401) states that in *S v Mehlaphe* 1963 (2) SA 29 (A) and *S v Mlati* 1984 (4) SA 629 (A) it was said that in deciding whether evidence of identification is reliable, the courts must consider the following:

- lighting, visibility, sight
- the proximity of the witness
- the opportunity for observation in terms of time and situation

- whether the witness knew the accused beforehand
- the mobility of the scene
- corroboration, suggestibility, the accused's face, voice, build demeanour and dress

Participant 2, from Klipgat, emphasised the fact that, in instances where the offender is described by clothing when the offence happened during the night, a description of the suspect according to colour of clothing will be a problem. Dark-coloured clothes are not clearly visible during the night, and as a result a wrongful arrest may be made - which in turn may result in civil claims against the police. The other remaining participants did not comment further on this technique.

Gilbert (2004:457) states that a suspect may be returned to the crime scene, or viewed in the police agency by victims or witnesses, if the suspect is apprehended shortly after the offence. According to Participant 5 from Mabopane, this is done because the mind of the victim is still fresh.

An example of this appeared in the SAPS Journal for February (2007:10), where a twenty-year-old suspect - a farm worker - raped and killed a 56-year-old farm owner. He then took a .38 calibre firearm and money and drove away in her German-made sedan. The vehicle ran out of diesel and the suspect returned to the house to look for the container. By then the neighbours and other farm workers had already contacted the police, as they thought the victim had been hijacked. The police arrived, and opened and searched the house. They then discovered that someone had tried to escape through the roof. Some of the police officers outside spotted a person running frantically into the mealie fields and gave chase. They arrested him about six kilometres away from the scene, having in his possession a .38 calibre revolver, a cell phone and keys - all belonging to the victim. The police took him back to the crime scene, where he was positively identified by the farm workers. All other aspects of the

investigation were conducted, and the suspect eventually confessed to being the killer.

Twenty-seven participants felt that taking the suspect back to the crime scene to be identified may be dangerous, as the community likes taking the law into its own hands. Joubert (2001:276), as well as seven of the participants, stated that if the police arrest a suspect near the crime scene, fitting the victim's description, the suspect should not be taken to the victim to be positively identified. In these circumstances, an identification parade should be arranged as soon as possible (Joubert, 2001:276).

2.7.2 Photograph identification

According to Bennett and Hess (2007:201), photographic identification is used when there is a good idea of who committed the crime but the suspect is not in custody, or when a fair line-up cannot be conducted. According to the Centre for Socio-Legal Studies (Durban) (2000:79), a photograph includes any picture, visually recorded image, depiction, or any other similar representation of the person concerned. In terms of sec 37(1) (d) of the Criminal Procedure Act (South Africa, 1977), any police official may take a photograph (or may cause a photograph to be taken) of a person who has been arrested or released on bail or warning.

The photographs of persons who have been convicted may, for example, be used in the compilation of photographic identification parades (Joubert, 2001:282). Photographs albums in the four police stations visited are usually kept by the Crime Information Analysis Centre (CIAC) and Criminal Record Centre (CRC) based in Ga-Rankuwa. Eleven participants indicated that they used this method as a means of identification during their tour of duties. The remaining twenty-three participants were uncertain about this method, because they had never, nor could they remember having used this method before. Photographs and films may be documentary or real evidence, depending on the

purpose for which they are presented (Joubert, 2001:356). Sec 232 of the Criminal Procedure Act (South Africa, 1977) indicates that a photograph is admissible as evidence in a court of law, and such a photograph is a prima facie proof of that which is shown by that photograph. According to Schmidt (2000:362), when a photograph is presented to prove that which was recorded by camera, it can amount to documentary evidence. The object is not important (film or paper), but what was produced is so; therefore, in this respect photographs are similar to documents (Schmidt, 2000:362). Karagiozis and Sgaglio (2005:123) indicate that photographs may be used as real evidence, and digital reproduction may be admitted as physical evidence in both civil and criminal cases.

S v Fuhri 1994 (2) SACR 829 (A) dealt with photographs that amounted to real evidence, and it was said that instruments such as cameras should be proved to be trustworthy. This means that photographs are admissible as evidence in court. Brown (2001:121), Gilbert (2004:459) and Barnard et al. (2002:195) agree with eleven participants when listing the process to be followed during photographic identification:

- All photographs must be similar in shape, including the suspect's photo.
- The number of photographs that must be displayed to the witness should be at least 8-10.
- Witnesses should be shown the photos when they are not in the presence of other witnesses.
- The police official must rearrange the photographs after each witness has seen them.
- When the witness makes an identification, they should mark the photo in some identifying manner.
- At no time during the photo viewing should the officer make any suggestion, through speech or action, that a picture of the suspect will be seen.
- All the pictures or photographs should be put in an envelope and sealed,

and retained for possible court examination.

Should an identification be made, the crime investigator has a single known criminal to trace (Marais & Van Rooyen, 1990:107). Gilbert (2004:459) agrees with Participant 5 from Klipgat, in that it is important that after the arrest has been made, the investigating officer should arrange for the formal identification parade to be held, to determine whether the same person will be identified. The other remaining sample did not make mention of whether to hold the formal identification immediately after the photographic identification is made.

It was held in *S v Hlalikaya and others* 1997 (1) SACR 613 (SE) that a person is not entitled to be legally represented at a photographic identification.

The photographs found in seven of the twenty dockets analysed, were of the victims and the crime scenes. The photographs of the suspects were found in five dockets, while the remaining eight were without photographs.

2.7.3 Surveillance photography

Surveillance photography establishes the identity of a subject, or records criminal behaviour, without the photographer's presence being known to the subject. According to Osterburg and Ward (1992:205), surveillance has a dual function in police work: one is investigative; the other is preventative.

Osterburg and Ward (1997:205) further state that the objectives of surveillance are

- to locate a suspect
- to obtain detailed information about the nature and scope of an individual's activities as they relate to suspected criminality
- to prevent the commission of crimes such as arson, which may put lives in jeopardy
- to apprehend, immediately, those who commit a crime while under surveillance. In a burglary for instance, the arrest is made as the

perpetrators emerge from the building they broke into.

The photographs or videotapes can be used to identify a suspect's associates to destroy an alibi, to plan a raid or to develop a surveillance plan (Bennett & Hess, 1998:48). Big supermarkets, banks, as well as wholesalers, use surveillance cameras to help to identify offenders. A number of cases have been solved with the aid of surveillance cameras in big stores such as Shoprite, where the offenders were identified by security guards, in the control room. All the participants stated that they use this form of technique in cases where there are surveillance cameras at the crime scene. They even use this as evidence before a court of law, during a trial. This was evident in six cases analysed, where cases were solved by using surveillance cameras in the shopping centre, Shoprite and the other supermarkets and retail wholesalers to identify the offenders. In this instance the offenders were easily described, identified and thereafter arrested.

An example of surveillance photography in practice is as follows:

Two suspects broke into one of the liquor wholesalers in the Mabopane area. The suspects were wearing helmets, because they knew that there were surveillance cameras in the store. One of them was feeling hot as they were drinking inside the store, and he was sweating. He then took off the helmet to wipe sweat off his face. The camera then shot him and he was identified as one of the workers in that store. Police officials then traced him and found cigarettes and some of the stolen property from the shop. He then showed the police officers where his friend stayed and the friend was also arrested, and stolen property seized. They were both found guilty and each given six months' imprisonment.

Although this form of identification proved to be fruitful, it also has its shortcomings. Problems of surveillance photography include adverse lighting

conditions, and people getting in the camera's view and distance (Bennett & Hess, 1998:48). Positioning of the cameras can also contribute to the problems. For example, when the suspect is wearing a cap, the camera cannot take photos of their face if it is placed at ceiling height.

In *S v Mpumlo* 1986 3 SA 485 (E) and *S v Baleka* (1) 1986 4 SA 192 (T) the court ruled that a video film is not a document, and that a video film and a tape recording are real evidence. This means that they are admissible as evidence in a court of law. The authenticity relates only to their evidential value and not their admissibility. No distinction should be made between video and audio tapes. The court concluded that video tapes are real evidence.

2.7.4 Identification parade

Identification parades, as described by Marais and Van Rooyen (1990:107), can be seen as the direct personal identification method whereby a number of persons are paraded, with the purpose of affording the identifying witness the

opportunity to identify the person whom they saw. According to Participant 2 from Ga-Rankuwa, this form of identification can also serve as a follow-up of the field and photographic identification.

According to SAPS National Instruction 1 (South African Police Service, 2007:1-2), an identification parade must be held if, during an investigation into the alleged commission of an offence,

- a reasonable suspicion arises that a certain person was involved in the commission of the offence, but there is insufficient evidential material available that positively identifies the person as one who was involved in the commission of the offence
- there is a person who may possibly be able to identify the said person during an identification parade as one who was involved in the

commission of the offence.

Sec 37(1) (b) of the Criminal Procedure Act authorises a police official to hold an identification parade. Joubert (2001:277) and Bennett and Hess (1998:253) agree with the provisions of National Instruction 1 (South Africa African Police Service, 2007:2-6), when listing out the rules of practice that should be followed by police officials in holding an identification parade, as follows:

- The proceedings at the parade should be recorded.
- The investigating officer should not be in charge of the parade.
- A suspect should be informed of the purpose of the parade and be given the opportunity to obtain a legal representative to be present at the parade. It was held in *S v Mhlakaza en andere* 1996 (2) SACR 187 (C) that a suspect is constitutionally entitled to have their legal representative present at an identification parade.
- A suspect should be informed that the court might draw an adverse inference from their refusal to take part in a parade. In *S v Mphala and Another* 1998 (1) SACR 654 (W) the court ruled that an accused does not have the right not to participate in an identification parade and that their

constitutional rights are not violated when they are requested to participate in such a parade.

- There should preferably be only one suspect and at least eight other persons in the line-up of the parade.
- The suspect and other persons on the parade should be more or less of the same build, height, age and appearance and be more or less similarly dressed.
- It is desirable to take photographs of the parade, depicting the persons as they appeared in the line-up and standing next to each other.
- The police official in charge of the parade should instruct the suspect to choose a position on the parade and, if they so desire, to change positions between witnesses. It should be ensured that the suspect is

satisfied with the parade and that all reasonable requests are granted.

- Witnesses should be kept separately under the supervision of a neutral police official and not be allowed to discuss the case while waiting to be called.
- Witnesses should be prevented from seeing any member of the parade before the parade - including the suspect - in circumstances indicating that they are the suspect.
- Another neutral police official should escort a witness to the parade.
- The police official in charge of the parade should request the witness to make the identification by touching the shoulder of the suspect, and to indicate if they cannot make a positive identification.

Based on the information found in the dockets, the researcher is of the opinion that most investigators are familiar with this method of identification. This was evident in 14 case dockets that were perused by the researcher. The investigators used the form SAPS 329 to record all the proceedings of the parade, which included the name of the photographer, names of all the people in the parade and the legal representatives when they were available. In Great Britain, identification parades are held solely by members of the uniformed branches, as they have the least interest in the identification of the offender (Buys, De Beer & Dick, 1996:115). In South Africa, identification parades are held by investigators. This was emphasised by Participant 5 from Mabopane, who stated that identification parades are held by investigators - but not the one responsible for the docket, because the investigator who is responsible for the docket may have an interest in the case.

According to the participants, when the witness identifies the accused they normally touch the suspect on the shoulder and the photograph is then taken. Participant 6 from Loate further indicated that this can be traumatic for other witnesses, especially victims of rape, whereby the witness is still traumatized, yet the police official expects her to come closer again to the person responsible for

her situation. The other remaining sample did not highlight this point. Police officials must take note that sec 37 of the Criminal Procedure Act (South Africa, 1977) must be applied with sec 10 of the Constitution (South Africa, 1996), which recognises the individual's rights to be treated with dignity and respect.

Evidence that a witness has identified a person on a previous occasion before the trial, outside the court, is admissible (Joubert, 2001:389). The author further states that the reason for this is that such an identification has much higher evidential value than an identification inside the court for the first time after the crime was committed and while the accused stands in the dock. Evidence of previous identification is also relevant, as it could prove consistency (Joubert, 2001:389).

2.7.5 Voice identification

In most cases, when a crime is committed, the offenders tend to speak to the victims. For example, in cases of house robbery where the offenders wore masks or face covers, the victims could not see their faces, but could recognise them through their voices. In *S v M* 1963 3 SA 183 (T) a voice parade was held to identify the accused. The complainant took thirty seconds to give her opinion. When other accompanying circumstances were taken into account, the accused was convicted on four of the counts. Voice identification is only permissible if there is already a voice impression - that is to say, a comparison standard with which the voice of the offender can be compared (Marais & Van Rooyen, 1990:107).

Buys et al. (1996:126) state that in South Africa, voice classification rests on the principle of the witness having to identify the voice among other voices. Therefore, arrangements must be made for the witness to be brought within hearing distance but out of sight of about eight persons, including the subject, where the witness can hear them speak individually. The authors further state that at a request from the witness, each parader may, in turn, be instructed to

repeat the words uttered during the crime. Detailed notes are also very necessary in this case (Buys et al., 1996:126). Bennett and Hess (1998:159) state that the use of voice prints in criminal trials is controversial, as in a number of cases convictions obtained through the use of voice prints have been reversed, because the voice prints were not regarded as sufficiently reliable. This can only work in a situation where the witness knows the offender or heard the offender speaking on several occasions before the commission of the crime.

According to Joubert (2001:389), evidence that a witness has identified a person on a previous occasion before the trial, outside the court, is admissible. The author further states that identification of a suspect outside the court can occur by means of a voice identification parade. Voice identification can also be held, as long as the safeguards are adhered to. The same safeguards as discussed in 2.7.4, which are applicable to other identification parades, should also apply here (Joubert, 2001:390). The author further states that prior identification under such circumstances is definitely much more reliable, and therefore admissible.

As in the case of identification parades, evidence regarding identification by means of voice is admissible as evidence, if it can be proved that the identification took place in a just manner and without force or trickery (Barnard et al., 2002:199). The participants did not make mention of this technique, which indicated that they were not familiar with the technique. There was no indication

in any of the dockets analysed, that voice identification was used. There were no notes written on the investigation diary or any completed form attached, with an indication that it was used.

2.7.6 Ear identification

According to Participant 7 from Ga-Rankuwa, ear identification can be used in situations where the face of the suspect cannot be seen - an example being when a person commits the crime of rape with a mask covering his face. Normally, ears will not be covered by these face masks. The other seven

participants stated that offenders sometimes wear earrings, that can help the victim or witness with identification. The other five participants stated that some traditional cultures require that individuals pierce large holes in their ears, and this could help witnesses, as well as the investigating officer, to identify the offender. Six participants stated that they have never used this form of identification before, because they did not have any leading evidence regarding that. The remaining sample stated that they normally ask the complainant or witnesses about the features of the suspect; if it is mentioned, then they take it into consideration.

According to sec 37 (1)(c) of the Criminal Procedure Act, any police official may take such steps as they may deem necessary, in order to ascertain whether the body of any arrested person, or someone released on bail or warning, has any mark, characteristic or distinguishing feature. Marais and Van Rooyen (1990:108) state that the measurement and classification of ears for comparison purposes takes place according to the Iannarelli system. The authors further state that after intensive research, Iannarelli came to the following conclusions:

- The human ear possesses particularly unique, morphological characteristics.
- Although the ear already assumes a set shape in the embryo, remarkable changes occur up to nine months after birth, whereafter it retains the basic anthropometric shape until death.
- The ear grows in relation to the rest of the body, but the growth is especially noticeable in the changing of the earlobe.
- The change in size does not influence the anthropometric characteristics of the ear.
- No ear shapes are identical, even though the ears of children with the same parents tend to display corresponding characteristics.
- On the strength of this uniqueness, the ear has a personal individuality which is equal to that of fingerprints.

The photograph of the ear is placed on a glass slab with vertical, horizontal and diagonal lines, and is examined to determine the race and sex. When there is a marked similarity between two different ears, a further classification is done to determine the uniqueness of the ear beyond any doubt (Marais & Van Rooyen, 1990:109). The authors further state that the classification of the ear is done on the same basis as fingerprints. In none of the dockets analysed were there any photographs of the ears attached. The information only appeared on the statement of the complainants when trying to describe the suspect.

2.7.7 Modus operandi

Modus operandi is a means of identification based on the fact that many offenders tend to use the same method time and again when committing a crime (Van der Westhuizen, 1996:32). The scientific study and classification of criminals according to their modus operandi is an offender identification technique which could be of great value in this respect (Marais & Van Rooyen, 1990:66).

Buy's et al. (1996:141) agree with twenty-five participants when stating that modus operandi data may be used

- as a technique for perpetrator identification, in order to bring about the identification and detection of criminals
- as an aid in the prevention of crime
- as an aid in the questioning of suspects
- in the place of investigating personnel and resources in places where observation is required

The other nine participants indicated that if the evidence strongly corresponds with the facts at issue, it can be accepted as evidence. In all dockets analysed, the investigators made notes about the modus operandi of the suspects in the investigation diaries and on the statements of the complainants. The fact that

the modus operandi appeared in one way or another in the case dockets, is an indication that it was taken into account.

A practical example previously indicated was that of criminals operating in the Mabopane and Ga-Rankuwa areas. They were committing house robberies within that area. They did their research beforehand as to who resided in a particular house. They came and knocked audibly, asking for permission to enter, and then pointed firearms at the occupants, tying the victims' hands with cable, and taking only electrical appliances, e.g. TVs, radios, VCRs, DVDs, and other appliances. They had rotating blue police lights, and residents thought that they were police officers - only to find that they were robbers wearing masks. They were operating at night, between 18:00 and 22:00. This method of operation was studied by the police, in conjunction with the vehicles they used, and a task team was established to investigate. These offenders were eventually arrested.

Although this technique cannot be used to describe a person physically, it can be used to identify individuals, based on their method of operating and the type of crime they tend to commit. This could assist the police in their investigations and eventually solve the crime by identifying and arresting offenders.

Modus operandi information is treated as similar facts by the court. According to Joubert (2001:379), the courts will not admit similar facts as evidence - for example, relating to previous offences of the same nature as those with which the accused is charged. This is because such evidence is irrelevant, since it cannot prove or disprove any of the facts at issue. Sec 211 of the Criminal Procedure Act (South Africa, 1977) prohibits evidence regarding an accused person's previous convictions.

As far as the admissibility of similar facts is concerned, Joubert (2001:384) states that the following conclusions can be drawn from case law:

- Similar fact evidence is admissible if the requirement of relevance is satisfied.
- Similar fact evidence will be relevant if a reasonable and admissible deduction can be made regarding the facts at issue.
- There must be a clear and logical connection (nexus) between the similar facts and the facts at issue.
- There must be remarkable similarities between the similar fact evidence and the facts at issue.
- The similar fact evidence must have essential and convincing evidential value in relation to the facts at issue.
- As a rule, previous offences of an accused cannot be used to prove the tendencies of the accused.
- In general, the act cannot be proven by similar facts, although there might be exceptional cases.

2.7.8 Fingerprint identification

Fingerprints are the best known reliable means of positive identification (Marais, 1992:24; Brown, 2001:100). According to Berg and Horgan (1998:160), fingerprints are among the most valuable types of physical evidence found at the crime scene, and can prove that a suspect was at the scene. Brown (2001:50) argues that fingerprints found at the crime scene are circumstantial evidence. This means that individualisation should take place to determine the suspect. They may prove that the suspect was at the crime scene, but not that he committed the crime. The location of the prints can lead to inferences that the

suspect is guilty (Brown, 2001:50). Joubert (2001:332) states that circumstantial evidence is evidence about a fact from which a court can draw an inference regarding a fact at issue.

Police investigators normally rely on fingerprints as a source of evidence to be

used in order to identify the perpetrators, especially in cases where there are no witnesses. An example of this is in the case of housebreaking, where offenders leave their fingerprints at the scene after touching door handles, furniture, etc. Theft of motor vehicles or theft out of motor vehicles also falls within the category of this example.

Marais (1992:169) argues that the possibility of leaving fingerprints on an object is largely determined by the condition of the fingers and the nature of the surface that is being touched. For this reason, the author states, fingerprints that are found at crime scenes are often useless because they are illegible. This point is supported by the fact that fingerprints can be easily destroyed, such as, for example, those of people who are working daily, using their bare hands not covered by anything, e.g. bricklayers and motor mechanics. It will not be easy to obtain fingerprints from these people, as the fingerprints are usually destroyed. In the event that one of these individuals commits an offence, fingerprints left at the scene will be useless. In this instance, the description of the suspects will not be found, and it will be difficult to trace them.

The other example relating to this is the problem of illegal immigrants in South Africa. If they commit an offence and leave their fingerprints at the scene, the prints will be useless, because these people are not registered with the Department of Home Affairs. Participant 5 from Ga-Rankuwa Criminal Record Centre indicated that the SAPS have implemented a certain tool or machine known as the Morpho Touch, that can be used to identify offenders wanted for certain criminal acts. The Morpho Touch is handy and can be used at roadblocks and even on crime operations. The individual's fingerprints are taken, and if an individual is a suspect, the finger number will appear on the system. That number will immediately be sent to the LCRC or the CRC for individualisation, and the cases which that particular person is suspected in, will be revealed. This system will be of importance in cases where the offenders are not registered citizens of South Africa, or are, basically, not filed. An example of this was stated

earlier in the report of illegal immigrants. Even though they are not registered South African citizens, their fingerprints can be tested at roadblocks to determine whether they are being wanted for certain offences. The remaining others knew the Morpho Touch, but did not know how it operates, as it is used by the members of the Local Criminal Record Centre.

Investigators indicated that they use forms SAPS 218 and SAPS 76 in connection with persons arrested for committing Schedule 1 offences (normally called A crimes), and SAPS 79 for minor offences. In terms of Schedule 1 offences – rape, for example - fingerprints as well as palm prints are taken, and for minor offences such as common assault, only fingerprints are taken. Thereafter, SAPS 192 is completed and taken to the CRC or LCRC for comparison and identification, to find out whether that particular suspect is wanted in other cases. This was evident in fifteen cases analysed, as these forms were available. In the other five these forms were not found.

It was held in *S v Huma and another (2)* 1995 (2) SACR 411(W) that the taking of fingerprints does not constitute inhuman or degrading treatment of a person, for the following reasons:

- It is accepted worldwide as a proper form of individual identification, such as in an application for the issuing of an identity document and a passport.
- Fingerprints are taken in private and can therefore in no way lower a person's self-esteem, bring them into dishonour, lower their character or debase them.
- The process of taking a person's fingerprints does not constitute an intrusion into their physical integrity - no physical pain of any kind accompanies this process.
- The fingerprints will be destroyed in the event of the accused being found not guilty.
- The taking of fingerprints can potentially be a procedure to the benefit of

the accused in proving their innocence - for example, if the fingerprints do not match those obtained at the scene.

2.8 Summary

Criminal investigation revolves around the search for things and people, to reconstruct circumstances of an illegal act and to determine the guilty party. Forensic investigators collect, preserve and analyse physical evidence in order to determine the guilty party and present evidence before a court of law. Successful criminal investigation depends on teamwork between criminal and forensic investigators. Identification revolves around identifying persons who are involved in the commission of crime. Suspects may be identified by means of field or show-up identification, photographs, by conducting an identification parade, through their voice, by their ears, or their modus operandi, as well as the use of fingerprints. Locating, identifying and arresting the suspects are the responsibilities of crime investigators.

CHAPTER 3

PERSONAL DESCRIPTION

3.1 INTRODUCTION

Criminal investigation requires the investigating officer or any police official to obtain information from complainants or victims, as well as from witnesses, about the offenders and the crime committed. Information is obtained by talking to people and asking them questions. Information regarding the description of the offender plays a major role in crime investigation. Positive information to identify an offender physically can be found through information and descriptions furnished by people. Investigators cannot function without information, and information cannot be obtained if people do not assist them. It is the responsibility of criminal investigators to track down as many witnesses as possible and to obtain a full and correct description of the perpetrator, with the use of descriptive techniques.

Descriptions distributed of wanted persons, especially by radio, are often brief and will be of little use. A more complete description should be prepared and placed in the hands of police officers.

In this chapter, methods used to obtain information, and how a person is described physically, is discussed, as well as the role played by the criminal investigator in obtaining this information.

3.2 PERSONAL DESCRIPTION

According to the *Concise Oxford dictionary of current English* (1991:889), “personal” means one’s own, directed to or concerning an individual’s private life or concerns of the body and clothing. The *Longman dictionary of contemporary English* (1987:766) defines “personal” as concerning or belonging to, [or] directed against the appearance or character of a particular person.

Description is the act or an instance of describing - the process of being described. It is a spoken or written representation of a person, object or event (*Concise Oxford ...*, 1991:315). The dictionary further states that to describe is to state the characteristics, [or] appearance of, in spoken or written form (*Concise Oxford ...*, 1991:315). According to the Longman *Dictionary of Contemporary English* (1987:276), to describe is to say what something is like, [or] give a picture of in words.

Personal description concerns the description of the alleged offender by the victim, complainant or other eyewitness who observed the crime being committed (Steyn, 2002:104; Marais & Van Rooyen, 1990:83). Personal description includes not only the physical appearance of the offender, but also general information from which the background can be understood (Marais & Van Rooyen, 1990:84). This definition is similar to those indicated by the participants, when stating that personal description includes the total description of the suspects by the complainants or witnesses.

Personal description is subjective, however, since it is based on sensory observation and memory, and this perceptual ability can be negatively influenced by various factors. For this reason, personal description is, more than any other form of identification, subject to human error (Marais & Van Rooyen, 1990:83; Barnard et al., 2002:164). Personal descriptions do not only form the basis of the crime investigator's search for the offender, but also forms the basis for supplementary techniques such as, among others, sketches and composite images or mental pictures which can serve as an aid in the identification and detection of criminals (Marais & Van Rooyen, 1990:82).

3.3 LOCATING A SUSPECT

According to Bennett and Hess (1998:239), the suspect may be located if they are not at the crime scene or apprehended near the crime scene. According to

these authors, suspects can be located through:

- information provided by victims, witnesses and other persons likely to know about the crime or suspect
- physical evidence left at the crime scene
- psychological profiling
- information in police files
- information in the files of other agencies
- informants
- person's identity number
- vehicle registration number
- physical description (photograph)

In order for the investigator to locate the suspected person, as much information as possible is needed from many sources. These sources include witnesses or victims. Locating a suspect is much easier if the victims or witnesses can describe and identify the person(s) who committed the crime (Bennett & Hess, 1998:240). The authors further state that victims can provide information as to who has a motive for the crime, who has the knowledge required to commit it, and who are not likely suspects (Bennett & Hess, 1998:240). Marais and Van Rooyen (1990:82) support this view when stating that obtaining a personal description is achieved by communicating with, and questioning, all persons who may be able to furnish a description of the suspected offender. Such communication with complainants/victims and witnesses takes place in the form of interviewing.

The participants stated that they use information furnished by the complainants and witnesses, as well as evidence from the crime scene, to locate the suspects. The participants further stated that type of transport and the registration is vital in locating the suspects in cases where the vehicle was used, e.g., armed robberies. The other eight participants further stated that they also obtain information from the informers while the remaining sample did not mention this

point. From the docket analysed, it was established that information provided by witnesses and victims appeared on their statements. Fingerprints of suspects obtained from the scene were also evident in the case dockets.

3.4 INTERVIEW

An interview is a specialised pattern of pre-planned interpersonal verbal and nonverbal communication between two or more people about a matter of mutual or common interest (Steyn, 2002:35). The participants' version of "interview" can be summarised as communication between individuals who may be witnesses, victims and offenders.

The following skills, as stated by Inbau, Reid and Buckley (2001:65), Van der Westhuizen (1996:82) and Marais and Van Rooyen (1990:165-168), should be possessed by the interviewer/investigator in this matter when interviewing witnesses and/or victims:

- *Intelligence*: The interviewer should have a specific level of intelligence and general knowledge, so that, by meaningful questions, they can obtain all the relevant information which the questioned person has at their disposal. Proper interviewing goes beyond merely asking questions. A successful interviewer must feel comfortable asking questions.
- *Knowledge of human behaviour*: Individuals have different emotions, feelings and desires. The interviewer should be perceived as objective and non-judgemental.
- *Ability to evaluate information*: The interviewer must be aware of various factors that may determine the value of the collected information, e.g physical disabilities, and emotional factors such as hate, jealousy, love and revenge.
- *Ability to inspire confidence and faith*: The interviewer should concentrate exclusively on ways in which he can "get through to" the witness, despite the deeper underlying reasons for unwillingness to co-operate.
- *Place where interview takes place*: It is advisable to conduct an interview with a witness as soon as possible after the incident; it may be at the

crime scene, in a motor vehicle, or even in a nearby house.

With relation to the skills to be possessed when interviewing, fifteen participants stated that the investigator should have a clear knowledge of what they are investigating, in order to get all the necessary information needed. The remaining sample stated that the investigator should know the right questions to ask, i.e. those that are relevant to the investigation. Participant 5 from Mabopane further stated that the investigator should be a good listener and allow the witness or victim to tell their story, and at the same time ask questions where necessary. They should refrain from asking the witness or victim leading questions. The investigator should cautiously question the victim to retain their thoughts on the topic, and not to stimulate their memory. The other remaining sample did not comment further with regard to this point.

3.5 GENERAL INFORMATION: PERSONAL DESCRIPTION

Personal description includes not only the physical appearance of the offender, but also general information from which the background can be understood (Van Heerden, 1982:20). This general information is, however, only available to the crime investigator if the suspected criminal was arrested in the past and if the information was noted and placed on record (Marais & Van Rooyen, 1990:84). With regard to how they obtain and use the general information on personal description of suspects, fourteen participants stated that this general information is normally available at the Crime Information Analysis Centre (CIAC) in different police stations. The other seven participants stated that members of the CIAC obtain this information by reading statements of newly opened case dockets. As a result, they have knowledge and information on the description of suspects. This means that cooperation between this office and investigators should be emphasised. The other participants did not comment on this point. Participant 8 from Ga-Rankuwa further stated that CIAC offices usually draw up the profile of the persons who were formally arrested and who are usually a menace to the community. The information is derived from cases reported against that

particular person, or information furnished by members of the community.

According to Inbau et al. (2001:20-21), Marais and Van Rooyen (1990:84) and Bennett and Hess (1998:241), the following general information can be regarded as important, in order to hasten identification and detection:

- names, aliases and nicknames
- details of past and present home and work addresses
- nationality of the offender -
In the Republic of South Africa, with its heterogeneous population, the probable nationality of the alleged offender is very important, as it can limit the search to smaller groups of probabilities.
- personal history such as education, professional and career background, and previous convictions
- identity number, passport details or other personal references by means of which further information can be obtained
- clothing -
A careful description of the type, colour, cut and fashion is essential. In addition, the condition (neat or untidy, new or shabby) must also be described.
- jewellery (watches, rings, brooches, necklaces, etc. and their type, setting and appearance ... also, where it is worn is important)
- make-up -
Type of blusher, lipstick, eye make-up, powder, nail polish, scent
- distinguishing marks
Detailed, localised descriptions of scars, birthmarks, tattoo marks, wrinkles, pock-marks, operation scars and abnormalities like cleft palate, hare lip, mental abnormality and nervous conditions must be obtained.
- physical peculiarities -
The manner of walking is highly individual. General descriptive terms are athletic, lame, shuffles, bow-legged, flat-stepper, etc. The voice may be high or low, hard or soft, etc. The most striking speech characteristics are

clarity, voice modulation, pronunciation and accent. The language used and the accent can be important indications of education and nationality.

➤ personal habits -

Particular attention must be paid to drinking habits, activities, mannerisms

and other noticeable habits particulars of friends or acquaintances and the places usually visited, if known, such as gambling houses, bars, hotels, etc.

The participants stated that the abovementioned general information appears on the form SAPS 55 which they use when describing unidentified and missing persons. However, if the information is known to the police, additional general information that appears on this form, to detect an offender, should be added. Information such as the name of the station and the previous circulation number should be mentioned. The photograph of the suspected offender should also be available in their album.

The SAPS 55 forms appeared in eight out of twenty dockets analysed - which included armed robbery and rape cases. Further information appearing on SAPS 55 is with regard to the education of the suspect, particular attention being paid to the educational institute and the student number. The suspected offender's hobbies should also be mentioned, the type of hobby and a description thereof. If the suspect was arrested previously, their fingerprints would be applicable to the records of the investigators. The fingerprints number, date of fingerprinting, the official who took the fingerprints, the location of fingerprints and the reason for taking the fingerprints, should be mentioned.

Victims or witnesses may furnish this information only if they knew the suspect before the commission of an offence. Marais and Van Rooyen (1990:84) support this view when stating that complainants, victims and eyewitnesses will seldom

have this general information, unless they know the offender personally. Most suspects live within the community, and members of the community know them. The fact of the matter will be the relationship between the community and the police, and whether they trust the police enough to protect them after furnishing them with the information.

3.6 PHYSICAL DESCRIPTION

Human physical features are essentially the same from birth, but there are particular characteristics that do occur which will distinguish one individual from another. For example, human beings have a head, with special features such as eyes, nose, as well as ears, which do not look the same on every individual. Marais and Van Rooyen (1990:85) stress the fact that the success of the physical description depends on the training of the investigators. This will enable the investigators to have wide knowledge on the use and application of this technique. Investigators make use of form SAPS 55(A) to describe fully, and circulate, the description of an unidentified person. This form is used by members of the SAPS in order to describe missing or unidentified persons.

In recording the physical description of a criminal, it is advisable to do so in logical sequence (Barnard et al., 2002:167; Marais & Van Rooyen, 1990:85). Marais and Van Rooyen further state that the head of the criminal must be described first and then the other parts of the body, downwards, until the feet are reached - and in addition to physical description, their physical peculiarities and personal habits. This is an orderly sequence followed by Portrait Parle, in order to describe an individual.

Van der Westhuizen (1996:69-73), Marais and Van Rooyen (1990:85-95) and Bennett and Hess (1998:241) agree on the content of physical description to be used when questioning the witness or victim about the physical description of the suspect. The following are discussed, in addition to the contents of the

description form SAPS 55(A) used by investigators:

➤ *Race, sex and age*

The description of the racial group of the offender generally causes no problems, unless the crime is committed in the dark or where the perpetrator is completely disguised. The same applies to the sex of the offender, although there can be certain doubts raised when the offender is of abnormally small build or did not speak during the commission of an offence. Clothes worn by the offender during the commission of an offence, and the length of the hair, can also contribute towards the uncertainty about the sex of the offender. The age of the offender can at best be estimated, and allocated to a specific age group - for example, under 20, 20 to 29, 30 to 39, etc. Estimation of age is hampered when the witness and the offender are from different race groups.

➤ *Weight*

The probable weight must be indicated. Weight can be estimated as, for example, between 70-75 or 60-65 kgs.

➤ *Build*

The build can be described as obese, thickset, well-built, heavy, good, muscular, athletic, thin or small.

➤ *Posture*

This is described as upright, round or straight shoulders, slouched or bent bearing.

➤ *Height*

The height can be described as short, medium or tall, or simply 1.6m.

➤ *The head*

The head forms the most important part of a person's body when it comes to personal description, as it is usually the part that the witness or victim concentrates on most during the commission of an offence. As a result, it will not be difficult for the witness or victim to describe. A person's head consists of a number of components offering identification possibilities. The following are the most important components of the

head:

- *Size and shape:* These are described as the most important components of a person's head. The size must be described as large, medium or small. The general shape must be described as round, oval, dome-shaped, flattened or even as having a prominent occiput.
- *Profile:* The profile of the head can be subdivided into the forehead, back of the head, nose, mouth and chin.
- *Forehead:* The forehead must be described as prominent, receding, vertical or bulging. An indication should be clearly made as to whether the forehead is broad, medium or small. Noticeable wrinkles and furrows must also be described in detail, and whether they run horizontally or vertically over the forehead.
- *Back of the head:* The back of the head must be described as round, broad, knobby, flat, protruding, narrow or cone-head.
- *Nose:* The nose is probably one of the most important parts of the face in identification, and must be described as follows: the root or saddle of the nose can be portrayed as flat, small, medium or large. The width of the nose must be described as small, medium or wide. Other descriptive measures include whether the nose is broken, hook nose, snub nose, particularly sharp, dented nose bridge and whether it has large nostrils.
- *Mouth:* The mouth must be described as big, small, turned upwards or downwards. It must be mentioned how the mouth moves during speech and laughter. The most important parts of the mouth are the lips and they should be described as thick, medium, thin, thin upper/thick lower or thick upper/thin lower. The position of the lips should be clearly given; they should be described normal, upper lip declinating or lower lip large.
- *Chin:* The chin must be described from both a front and side view. The front portion must be described as small, pointed, large or square. The side view must be described as normal, prominent, flattened, small and short, or pointed. Additional distinctive features of the chin - for example, double chin, grooved or dimpled, cleft or round - must be stated.

- *Hair*: A full description of the hair includes the following:
 - The shade of hair colour (blonde, tawny, brown, black, red, grey, tinted, spots, etc.)
 - the general nature of the hair (afro, peppercorns, wavy, frizzy, curly, straight)
 - the style in which it has been cut (crew cut, military cut, normal cut, normal length, bob, very short, brush)
 - how it has been combed (hair parting left, right or in the middle, behind the ears, plaited, wavy, brushed forward or back)
 - the degree of baldness (bald spots, bald forehead, bald crown, bald long back, partly bald over the temples, completely bald)
 - length of the hair (long, medium, pony tail, short, very long, very short, on shoulders)
- *Moustache*: This can be described by beginning with the colour. Very short, very long, thin, unshaven, pencil, handlebar, droopy, full, Hitler.
- *Beard*: The colour of the beard usually corresponds with the hair on the head. However, if the colour differs, it must be expressly noted. Other descriptions will include: very short or long, goatee, unshaven, stubby beard and sideburns.
- *Face*: The general descriptive shapes are round, oval, square, broad or long, heart, triangular, peg top, skew, twisted, fat or thin.
- *Complexion*: The complexion can be described as black, brown, ruddy, sallow, yellow, fair, olive, suntanned, pitch black, brown coffee, brown dark, rosy, crimson, pale or fresh. As far as the texture of the skin is concerned, the complexion of a person can be indicated as smooth, dry, oily, greasy, pock-marked or pimples.
- *Teeth*: The teeth must be described in respect of colour: white, yellow or normal, gold crown, silver crown or even discoloured, and whether they have gold). Position should be described as normal, protruding, widely spaced and uneven. Condition of the teeth may be described as sound, decayed, missing, toothless, dentures, broken and fillings.

- *Ears:* The ears must be described according to
 - size (small, medium or large)
 - shape (oval, round, rectangular or triangular, cauliflower or flat)
 - position or location on the head (flat, pointed, situated low or high, near the head or whether they are protruding or not)
 - size of earlobe (medium, long or short)
 - shape of earlobe (descending, square, medium or wavy)

- *Eyes and eyebrows:*

The eyes and eyebrows play an important role in personal description. When the offender wears a mask or uses another form of disguise, the eyes and eyebrows are rarely disguised. The following aspects are important when describing the eyes:

- The size and general shape of the eyes must be described in full. Distinguish between small, medium, big or slanting eyes (as found among people from the Far East).
- The colour must be described as blue, yellow, grey, green, light brown, dark brown, pink (albino), multi-coloured (one brown and one green).
- Eye defects such as blind, missing, glass eye, bulging, deep set, squint, bleary, slanting, bloodshot eyes, bags under eyes, etc. should be noted.
- The position of the eyes in the face can be described as far apart, normal or close together.
- Eye form can be described as oval, round or slits.
- If the person is wearing glasses, the spectacles must be fully described. The type and name of spectacle frame is important. The form of glasses must be described as round, teardrop, square or oval. The lenses of the spectacles must be described as thick, single or double vision, half-moon, dark, coloured or sunglasses. When the person wears contact lenses the colour must be described.

- The eyebrow ridges must be described as high, low or pertinent.
- The eyelashes can be described as long, short, thick or thin.

- *Eyebrows:*

It has to be mentioned whether they incline upwards or downwards, whether they are arched or straight, or pulled up skew. Furthermore, it has to be mentioned whether the eyebrows are long, short, heavy, thin or bushy, or have been drawn in with a cosmetic pencil. As is the case with the beard and the moustache, the colour of the eyebrows usually corresponds with the person's hair. Should it differ in any way, the difference must be noted clearly and fully.

- *Cheeks:*

The cheeks must be described as full, medium, thin, sunken or possessing very prominent cheekbones.

- *Neck:*

The neck must be described with regard to

- length (long, short, medium, very short - no neck)
- thickness (medium, thin, thick, exceptionally thick)
- other particulars (size of Adam's apple, goitre, other growths, scars)

- *Shoulders:*

The shoulders must be described in terms of:

- size (medium, broad, narrow)
- posture (high, one shoulder higher than the other, drooping shoulders)
- shape (square, normal, stooped)

- *Chest:*

- The chest must be described in terms of:
- size (medium, broad, small)
- shape (normal, deep, flat, pigeon-breast)

➤ *Stomach:*

The stomach can be described as flat, sunken or pot-bellied. If pot-bellied, specify whether stomach bulges directly below the rib-cage or whether it is hanging low and slack.

➤ *Hands:*

The hands must be described in terms of

- length (medium, long, short)
- width (medium, broad, slender)
- fingers (medium, long, short, deformed, fingers missing as a result of accidents)
- abnormalities (gouty joints, extra fingers)
- nails (medium, long, short, bitten, dirty, clean)

➤ *Arms:*

The arms must be described with reference to:

- length (medium, long, short)
- measurements (thin, medium, thick as a result of muscle or fat)

➤ *Hips:*

The hips must be described taking the following into account:

- size (broad, medium, small)
- relative (broad, medium, small)
- buttocks (flat or prominent as a result of muscles, bone-structure or fat)

➤ *Legs:*

The legs must be described according to:

- length (medium, long, short, different lengths)
- thickness (medium, thin, thick as a result of muscles or fat)
- shape (normal, bandy legs, knock knees; other abnormalities in the shape must be discussed in full)

➤ *Feet:*

The feet must be described with reference to the following:

- size (medium, large, small, length, width)
- abnormalities (toes turned outwards or inwards, flat feet, club foot)

➤ *Physical peculiarities:*

Any physical peculiarities or other distinguishing characteristics must be fully described. Special attention should be placed on the person's peculiar walk or talk, twitch, stutter, foreign accent, distinctive voice or dialect. The voice can be high or low, loud or soft. A person's manner of walking is usually highly individual and the general forms of description are athletic, lame, shuffle, flat foot and toe stepper. The language used and a peculiar accent can be significant indications of education, nationality and even sex.

Ten participants indicated that they are being guided by SAPS 55 when describing the offenders physically. This was evident in eight dockets out of the twenty analysed where the SAPS 55 form was found. The other participants stated that they are being guided by the descriptions from witnesses and complainants. Bennett and Hess (2007:163) state that rather than simply asking to describe a suspect, specific questions about points that have been listed above, should be asked.

The reliability of physical description can, however, be influenced by certain factors, as follows:

- age, disfigurement, injuries and even plastic surgery
- climate and temperature change. These can have an influence on the complexion and skin of the person being described.
- A person can colour or dye their hair, or cut their moustache and beard, or even let it grow (or wear a wig or other disguise during the commission of the crime).
- The contours of the eyes and mouth can also alter, up to a point, as a result of tension, emotional pressure, joy, and good or poor health.
- The ability of a person to observe and describe the features and general

appearance of a stranger is questionable.

Steyn (2002:107) and Barnard et al. (2002:177) state that the reliability of personal descriptions can be affected negatively by certain factors. The authors further outline these factors as follows:

- *Observation:* What a person observes may be influenced by their eyesight, time of the observation, weather conditions, position and distance, the emotional state of the observer – e.g. shock, fear and anxiety, and individual differences – e.g. a person's previous experience.
- *Memory:* The memory of the average person is limited, and the image eventually becomes vague. Young children, for example, tend to forget more easily.
- *Suggestion:* This may happen, for example, when the criminal investigator suggests features which were actually not observed - which can result in the original picture the witness had of the suspect, being distorted.
- *Association:* The physical appearance of one person can, for instance, be associated with that of another person who was not involved in the crime at all.
- *Unwillingness to cooperate:* This can be shown by people who are hostile towards the police. It can be caused by fear, embarrassment, disapproval or rejection, or when a person has had an unpleasant experience with the police in the past.

Based on the above-mentioned factors, it is implied that physical description can never presents an absolutely true descriptive image of the offender. Investigating officers should approach this information with caution and use their intelligence when applying it.

3.7 DRAWINGS AND SKETCHES

Based on the information provided by the witnesses or victim, Van der

Westhuizen (1996:75) states that the police artist will make a preliminary sketch of the different features of the alleged offender. The artist makes changes at the direction of the complainant or eyewitness, in an effort to improve accuracy (Marais & Van Rooyen, 1990:102). In some countries, the sketch is even supplemented by clay busts which are photographed and shown, together with the sketches, in newspapers and on television, in an attempt to trace the alleged offender (Buys et al., 1995:108).

Bennett and Hess (1998:240) support this view when stating that a rapid method of producing a composite image of a person who committed a crime, is to use a police artist or an identification kit such as Identikit. The authors further state that the initial composite requires information on the suspect's sex, age, build, height and hairstyle. Then the individual facial characteristics are added, including a likeness of the chin, eyes, nose, lips, age lines, hair and beard (Bennett & Hess, 1998:240).

According to Buys et al. (1995:108-109), in South Africa two types of identikit systems are used at present:

- The black and white photo face synthesis, designed by Jacques Penry – the Penry Facial Identification Technique, generally known as Photo-FIT - which consists of black-and-white photographs of facial components.
- A new colour system known as the Magnaface Facial Identification System, designed by Lieutenant Curlewis. This unique colour photograph system includes all components of the face, such as, inter alia, different facial profiles and different types of eyes, nose, lips, hair, eyebrows, mouth and chin.

This process will be advantageous to the police, if they know how to sketch or draw while busy interviewing witnesses or victims. According to Bennett and Hess (1998:241), courses in sketching are available in local colleges, or internationally - e.g. through the FBI Academy in Quantico, Virginia.

The participants indicated that when the witness knows the suspect but do not have the picture, they make use of police sketchers to draw a picture of the suspect. This is done by the artists in the presence of the witness. The participants further stated that the preliminary pictures are pasted at the entrance of the police station, shopping complexes and even shown on television. Seven participants further stated that several cases were solved after using this technique, by getting tip-offs from the public. Black-and-white sketches of the suspects were also found in dockets, which is an indication that investigators are familiar with the technique.

3.8 SUMMARY

Personal description concerns the description of the alleged offender by the victims, complainants or eyewitnesses who observed the crime being committed. In many crimes, especially violent crimes such as robbery, rape and assault, the complainant or victim usually comes into direct contact with the offender. As a result, it is possible for the victim to describe and identify the offender. Evidence provided by the victims and eyewitnesses is regarded as the most valuable information to the investigating officer, and can lead to locating as well as arresting the offender. Success in obtaining and using this information is determined by the knowledge and the skills possessed by the investigating officer. Description has always been an important part of the identification process. Even in primitive conditions, the only requirements are the ability to observe and to pass on to others a word picture of the person involved.

CHAPTER 4

THE USE OF PERSONAL DESCRIPTION TO IDENTIFY SUSPECTS

4.1 INTRODUCTION

Personal description can be used to identify suspects, although there are certain factors that can influence its reliability. As part of the cumulative process of individualisation, this technique can be applied with great success in criminal investigation (Van der Westhuizen, 1996:77). After the suspect has been described, there is a distinct possibility that they can be identified, traced and arrested. Investigating officers have to make full use of supporting techniques, in addition to personal description, to further their advantage in arresting the alleged offender. After being armed with the full description of the offender, the investigator must endeavour to identify the offender. There are, however, specific supporting structures that can be used in this regard.

This chapter includes discussions of various practical ways in which personal description can be used to identify the offender.

4.2 PRACTICAL USE OF PERSONAL DESCRIPTION IN IDENTIFYING SUSPECTS

Equipped with a comprehensive description, sketch or synthesis, crime investigators are then in a position to form their own memory image of the offender, which may assist them in their search (Marais & Van Rooyen, 1990:109). Bennett and Hess (1998:246) add that visual aids such as newspaper photos and/or news films disseminated to the public, may provide rapid identification of suspects. Other techniques that can be used after obtaining the description are informal or chance identification, identification by means of photographs, identification at an identification parade, and voice and ear identifications. These techniques were discussed in detail, earlier, in chapter 2.

4.2.1 Information from police officials

It is important that the investigating officer communicate with fellow colleagues - either uniformed members or other fellow investigators - regarding wanted suspects. This can be done by circulating descriptive pictures of the suspected person as widely as possible among colleagues, informers and the general public. "Colleagues" here does not only mean fellow investigators at a particular police station. Investigators should involve other investigators from neighbouring police stations. This can be done by disseminating pictures of the wanted suspects to nearby police stations.

The participants were asked whether communication between colleagues plays an important role in identifying suspects. The participants emphasised that communication between investigators does play an important role as far as identification of suspects is concerned. Participant 8 from Mabopane emphasised this fact when giving an example where one suspect wanted in Mabopane, was arrested in the Ga-Rankuwa police station and was only noticed at the court by the investigating officer from Mabopane.

For the process of identification of suspects to be expedited, twenty-three participants stated that they complete a Request for Broadcast of Wanted Person form, for the circulation of the suspect on the computer at the Bureau for Missing Persons. The remaining sample did not mention this point, but emphasised the fact that communication is vital. According to a letter from the Bureau for Missing Persons, dated 2006-03-17, reference number 26/3/5/8/2, this is a concern within the SAPS. The letter stated:

A disturbingly large number of cases exist where suspects were identified, but the case reached dormant status as no further action is taken to trace the suspects. In many of these cases arrests can easily be executed and suspects with a J50 outstanding, brought before court, if necessary basic

steps are taken. In all cases the ID number of a wanted suspect is known, investigators must ensure that the C26 information and photo are obtained and forwarded to the responsible Bureau for Missing Persons offices for external exposure. This information must be accompanied with a copy of the warrant of arrest (J 50) and a request for broadcasting form. The information and photographs will then be captured on the image or National Photo Imaging System and prepared for broadcasting in the electronic and printed media, by these offices. The investigating officials, as indicated on the Request for Broadcast form, will receive written confirmation from the Bureau office of the nature and where and when external exposure will be rendered, which information must be filled in [in] the relevant case docket.”

When asked how they circulate information on wanted suspects, twenty-two participants stated that they normally circulate information on wanted suspects on the SAPS system through form SAPS 55(A). The remaining participants stated that they circulate the information on the SAPS system, but did not mention whether they use the SAPS 55 (A) form. This form is completed in conjunction with the Request for Broadcast of Wanted Person form, whereby the photo/ID kit of the suspected person is attached. The contents of form SAPS 55(A) were discussed in conjunction with the physical description of a suspect, in chapter 3. The twenty-two participants further stated that this information is then circulated on the national “wanted” list when there is reasonable doubt to believe that the suspect may have left the country. This is then circulated on the Interpol system through a Red Notice, and the completed Red Notice should be sent to the National Central Bureau in Pretoria.

According to Bennett and Hess (1998:248), Interpol is the International Criminal Police Organization, which is a network of national central bureaus in more than 155 member countries. This organisation compiles and dispenses information on criminals and cases, that crosses national

boundaries and operates twenty-four hours a day. The authors further state that the type of information Interpol can provide includes the location of suspects, fugitives and witnesses, criminals' history checks, information on terrorists, information on stolen artworks, weapons and/or motor vehicles, and licence plate traces (Bennett & Hess, 1998:248).

In all dockets analysed, seven dockets contained both a copy of the SAPS (55A) and information that the photograph has been circulated on the national wanted list. This information appeared mostly in murder and armed robbery cases.

4.2.2 Community involvement

Bennett and Hess (1998:246) agree with Van der Westhuizen (1996:77) when stating that it is important to realise that crime investigators, even if they conduct the investigations, need the assistance and support of the general public who could provide some type of information during a criminal investigation. As stated earlier, this could be done by circulating descriptive pictures as widely as possible within the community.

The participants were asked how they involve the members of the community as far as identifying the suspects is concerned. The response was as follows: Twenty-nine participants stated that this is done during meetings with the community, on the streets and on business premises. The remaining five participants did not mention anything about the meetings, but stated that just talking to people on the street and in the neighborhood is essential. The twenty-nine participants further stated that the Community Policing Forum (CPF) plays a vital role in this regard, as well. The participants stated that the success rate is high, with regard to the arrest of suspects, after being informed by the community.

Not only is it possible that a member of the public knows someone who bears a resemblance to the description, but it is also possible that the

dissemination of the description of the offender can drive him underground (rendering him at least relatively harmless), or force him into a position where he will make a big mistake and bring about his own arrest (Van der Westhuizen, 1996:78). This was evident in the arrest of the then most wanted criminal in South Africa, Ananias Mathe. After escaping from prison, his photograph, together with his description, was disseminated in newspapers as well as on television. He lay low for a while, while police officers and the whole community were looking for him. Eventually he made a big mistake by committing armed robbery, not knowing that the vehicle was installed with a tracker device, and was arrested with the help of the investigators working for that tracking company.

According to a letter from the Bureau for Missing Persons (South African Police Service, 2006) Missing Persons Golden Rules within the SAPS states that effective crime combating depends on the partnership between the SAPS and the community. The community shares the responsibility of reporting criminal activities to the SAPS, just as the SAPS has the responsibility to prevent and investigate crime, identify the culprits and thereby ensure that the perpetrators are brought to justice. When members of the community supply information on any crime by calling 08600 10111, they are asked the following questions in order to thoroughly investigate:

- who?
- what?
- where?
- why?
- how?

These questions are in relation to the suspect, tools used, actions performed/planned, premises, evidence, witnesses and victims. This information may seem to be inadequate, but can be vital in order to complete a puzzle and solve crimes within the country.

From the twenty dockets analysed, it was evident in eleven cases that the suspects were identified by the community, even though in some cases the

community took the law into their own hands by assaulting the culprits, especially in rape cases. This information was annotated in the investigation diary.

4.2.3 Informers

Informers represent one of the most important sources of information to the police. An informer may generally be defined as a person who supplies information about criminals, criminal activity or planned criminal activity, to an investigation officer, for reward or other motives (Marais & Van Rooyen, 1990:133).

Informers are members of the community. As a result, they know most of the offenders within their community, as well as the kind of crimes they normally commit. From the researcher's previous experience, it was noted that some informers were themselves formerly involved in criminal activities, and they know these criminals - as well as the way in which they operate. As a result, their information is important in tracing and arresting offenders. This is corroborated by Bennett and Hess (1998:249), when pointing out that informers may work in a position that places them in frequent contact with criminals, or they may have committed crimes themselves or be associates of active criminals. It is thus of the utmost importance that the police recruit informers and work closely with them so that they can be of use in the investigation of crime as well as the identification of offenders. To recruit informers should not be difficult, as police officers are working closer to the community when conducting patrols as well as investigations. The information

provided by some informants is of such value in solving or preventing crimes, that the informants are paid for the information they furnish (Bennett & Hess, 1998:249).

The participants were asked what role informers play in identifying suspects. They stated that informers play a vital role as far as identification of the suspects is concerned, because they give information to investigators about the criminals and potential offenders. Participant 1 from Loate further stated that each member of the SAPS, whether a uniformed member or a detective, should have informers. These informers are trained and are being compensated, depending on the kind of information they supply. The investigating officers supply information and descriptions - as well as photographs of the alleged suspects - to the informers. Although the participants stated that they use informers, there were no forms or any information in the case dockets to show that they were used.

4.2.4 The use of the media

Once information about the offender has been collected, the crime information section at the Criminal Record Centre (CRC) and the news media (newspapers, radio and television) can assist in tracing suspects (Barnard et al., 2002:209). Media may include television, radio, newspapers and magazines. As stated earlier by Bennett and Hess (1998:246), visual aids such as newspaper photos or video and news films disseminated to the public, may provide rapid identification of suspects. Van der Westhuizen (1996:78) supports this view when stating that the media inevitably plays a big role in this regard - the South African television programme Police File provides an excellent example.

Members of the community, as well as police officers from other stations, have access to these channels. As a result, they can be helpful in the identification and apprehension of wanted suspects. Photographs and descriptions of wanted suspects are also shown on the news, on a daily basis, on SABCTV

and other channels in South Africa. Every South African citizen who has a television set can have access to these channels. The radio also plays a vital role in disseminating descriptions of the wanted offenders. Although pictures cannot be seen, mere physical description can be sufficient to identify the suspects.

The participants were asked what type of media they use to assist in identifying the suspects. They responded as follows:

Twenty-eight participants stated that the police use Police channel, Pol TV to broadcast list of wanted suspects. This programme is broadcasted on SABC 2 every Tuesday at 12:00 and on the police channel, Pol TV, every Friday from 07:30 to 08:30. The remaining sample did not mention this programme, which is used to inform and show the public pictures of wanted suspects, as well as names and contact numbers of the investigating officers. The participants stated that they knew about the programme but had not yet used it. They did not furnish an explanation as to why they were not using it. Seventeen participants stated that they would like to use the programme but did not know the procedure. There was no evidence in the case dockets analysed that this programme was used.

The remaining six participants also stated that newspapers, as a means of media, on the other hand, play an important role in the identification of wanted suspects. The other twenty-eight did not mention anything relating to the newspapers. Photographs of wanted suspects are being published in the daily newspapers. As a result, the public have been able to notice these photos, identify the culprits and notify the police. They further stated that monthly SAPS journals, as well as Servamus, also publish pictures of wanted suspects and the investigating officers. This enables police officers around the country to help with the identification of the alleged offenders, as all police officers have access to these magazines. A copy of the newspaper article was found in

one docket of attempted murder at Ga-Rankuwa. The suspect was well known to the police and residents and he was eventually arrested after being identified in the newspaper. In none of the remaining case dockets was there any evidence that newspapers were being used.

A typical example of the above-mentioned statements was the case of the two most wanted Boeremag treason suspects who escaped from the Pretoria High Court. Pictures of the two suspects were disseminated on television, in newspapers as well as in the SAPS journals, for the public, as well as police officers within the country, to help with the location and identification of those offenders. Eventually they were arrested.

However, Van der Westhuizen (1996:78) stresses the fact that a good relationship between the media and the police is important. The author further states that in order to support the maintenance of law and order, the media must have confidence in the police, its disposition and its techniques (Van der Westhuizen, 1996:78).

4.2.5 Other government departments

The participants were asked what other government departments they normally use to assist in identifying the suspects. Their answers were incorporated with the discussions as follows:

4.2.5.1 Department of Home Affairs. This department is responsible for issuing birth certificates, identity books, passports, marriage certificates and other related official documentation. Descriptions of wanted suspects could be distributed in their respective offices, to render assistance in identifying suspects. This department has offices at all ports of entry (borders, harbours and airports), and each individual has to pass through these offices before crossing to neighbouring countries. To obtain most of the documents in this department, fingerprints of individuals are being obtained, and these

fingerprints can be used to reveal the identity of a person and whether that particular person is a wanted criminal or not. Twenty-one participants stated that they sent photographs of the wanted persons to this department. Participant 4 from Klipgat further stated that photographs of the wanted suspects are disseminated as far as the borders and airports of South Africa. The other remaining sample did not mention this department. In two of the cases analysed, the suspects were arrested at the border while trying to flee. It was not indicated whether or not it was as a result of the photographs disseminated to the border.

4.2.5.2 Licensing Department: Twenty-three participants stated that most of the officials in this department were police officers before 1994. As a result, there are still good working relationships among themselves. They conduct operations together and exchange information. This department is responsible for issuing drivers' licences, public driving permits and the registering and licensing of vehicles. Fingerprints and photographs of individuals are also needed, in order for the applications to be processed. Officials in this department also issue traffic fines and normally conduct patrols and roadblocks. This department can also play an important role in identifying and arresting wanted suspects. The other seven participants stated that when conducting operations with the traffic officials, they execute the warrants of arrest; as a result, they arrest their wanted suspects. The remaining three participants did not mention this department. In all cases analysed, there was no indication that the suspects were arrested after being identified by this department.

4.2.5.3 National Prosecuting Authority: Individuals working in this agency also conduct investigations. As a result, there is some valuable information that they could share with the investigators within the SAPS. Participants did not mention this department. No information was found on cases analysed, regarding this department.

4.2.5.4 South African National Defence Force: This department consists of the Air Force, the Navy and the Army, and their respective investigative, intelligence and military police units can provide much information to the SAPS. Members of this department conduct border patrols at all ports of entry and harbours of South Africa. The participants did not mention this department, and no information was found on cases analysed, that this department was used.

4.2.5.5 National Intelligence Agency: Individuals working in this department have informers around the country and can use these informers to help them trace alleged suspects. They also are involved in investigations and intelligence- related matters that could help in identifying and arresting culprits. The participants did not mention this department, and no information was found on cases analysed, that this department was used.

4.2.5.6 Metropolitan Police: This department, according to the participants, works closely with the SAPS. Some of the newly recruited members from this department receive their training in police stations in the area. As a result, they then disseminate information to their colleagues. This police agency consists of traffic members, crime investigation as well as crime prevention members. These officials conduct roadblocks and use their own mechanisms to check those who have contravened the Road Traffic Act by not paying their traffic fines. This information is distributed to them and helps in the investigation process. The participants could not ascertain the success rate, as they stated that this department concentrates mostly on persons who contravene the Road Traffic Act.

4.2.6 Private agencies:

Private agencies can also assist with the locating of suspects. These agencies include

- private security agencies

- private investigators
- forensic investigators from private companies, e.g Eskom, Telkom, banks, etc.
- investigators from tracker system networks

Most of the investigators working in these institutions were formerly with the SAPS. According to the researcher, close good working relationships are maintained among SAPS investigators, bank investigators and private security firms. These individuals meet on a monthly basis at the SABRIC (South African Bank Risk Information Centre) offices in Midrand, Gauteng, to discuss issues relating to crime. SABRIC also consolidates and disseminates a list and photographs of the most wanted suspects to the SAPS and the bank investigators, on a monthly basis. As a result of this, suspects are easily identified at the banks when trying to do transactions such as the opening of a bank account. The participants did not mention this institution. The researcher is of the opinion that, based on the fact that it was newly established around 2005, this can be the reason why they are not familiar with the institution. There was no indication that information was received or disseminated to this institution on cases analysed.

It is important that crime investigators involve these individuals, so that they can be of optimum use in the investigation of crime. Photographs, as well as descriptions of the alleged suspects, can be given to these individuals. Photographs of the suspects are pasted at shopping malls, and as a result, security officers alert investigators when they see some of the offenders on the premises. The same applies to other private investigators as they chase around daily, searching for their suspects. It may happen that these suspects are being wanted somewhere else, for other crimes. For this reason, good relationships between these investigators and the police are essential.

4.3 SUMMARY

Personal description can be used practically, without any doubt, to identify offenders. This can be done through the help of other colleagues within the SAPS, by communicating with fellow colleagues within the police station and other neighbouring stations. Community members can be involved by disseminating pictures of the wanted suspects within the community. Further assistance can be obtained by involving informers, the media and other government departments. This will depend on the intelligence of the investigating officers and their relationships with the individuals mentioned.

CHAPTER 5

FINDINGS AND RECOMMENDATIONS

5.1 INTRODUCTION

The aim of the research was to find out how personal description can be used as a technique in the investigation of crime, to identify suspects. To address this aim, three research questions were asked, namely:

- What is identification?
- What does personal description entail?
- How can personal description be used to identify suspects?

In order to address these research questions, the researcher used data obtained from interviews conducted with investigators, analysis of case dockets and a review of literature.

At the end of the study, after analysis of literature used and information from participants, findings and recommendations can be deduced. This chapter deals with findings and recommendations from the study, and the conclusions thereafter.

5.2 FINDINGS

The following findings are related to the research questions and information obtained from the participants as well as the literature.

Research Question 1

What is identification?

In this research it was established that:

- Identification is regarded as a classification scheme, whereby objects with similar characteristics are placed in one category, and the category is given a name. Identification can also be described as an analytical and

classification process by which an entity is placed in a predefined, limited or restricted class.

- There are eight (8) categories of identification.
- Crime investigators can make use of direct and indirect methods of identification.
- The eight techniques of identification are field or show-up identification, photograph identification, surveillance photography, identification parade, voice identification, ear identification, modus operandi and fingerprint identification.
- The participants are familiar with the concept of identification and most of the techniques thereof, as they appeared in their case dockets. The participants are not familiar with voice identification, and six not with ear identification.
- The correct identification of a suspect is important, as it could lead the investigation in the right direction, and apprehension as well as prosecution of the suspect.
- Criminal investigation is the process of discovering, collecting, preparing, identifying and presenting evidence, to determine what happened and who is responsible.
- The objectives of criminal investigation are to determine whether a crime has been committed, to identify the perpetrator, locate and apprehend the perpetrator, gather and preserve physical evidence, and assist in the prosecution and conviction of the defendant/s
- The participants have an understanding of what “criminal investigation” is, but do not have the in-depth knowledge of its objectives.
- Forensic investigation is a step-by-step inquiry or observation, careful examination and recording of evidence, and establishing of facts, using science, in order to present evidence before the court.
- The objectives of forensic investigation are to establish whether a crime was committed, collect and preserve evidence, identify the perpetrator,

classification of evidence, individualisation, reconstruction of events and interpretation and testifying before the court of law.

- The participants do not have an understanding of the concept of “forensic investigation” and its objectives.
- The concepts of criminal investigation and forensic investigation are basically the same. Criminal investigation is aimed at gathering information and presenting it before a court of law. Forensic investigation refers to the application of science and is aimed at ensuring that the alleged offender is present at the trial, and that evidence is collected and submitted before a court of law.
- Evidence can be described as something such as a fact, sign or object that gives proof or reasons to believe or agree with something. Evidence consists of oral or testimonial evidence, real evidence and documentary evidence.
- The participants could not mention the forms of evidence, but had an understanding of what evidence is, and provided examples of evidence.
- In nine out of twenty dockets analysed, the accused were acquitted and/or cases were withdrawn due to lack of evidence.
- Individualisation refers to the demonstration that a particular sample is unique, even among members of the same class.
- The participants do not have an understanding of what individualisation means.

Research Question 2

What does personal description entail?

In this research it was established that:

- Personal description concerns the description of the alleged offender by the victim, complainant or other eyewitness who observed the crime being committed.
- The participants have a good understanding of personal description, and gave an explanation thereof.

- In order for the investigator to locate the suspected person, information is needed from victims, witnesses, physical evidence, information in police files, psychological profiling, informers, vehicles' registration numbers and physical description. This information can only be obtained through interviewing.
- The participants have an understanding of how to locate the suspect, because they mentioned some of the methods. The other eight participants further mentioned that they also obtain information from informers.
- Docket analysis indicated that information about the suspects appeared in the witnesses' and victims' statements. Fingerprints of suspects obtained from the crime scenes were also evident in case dockets.
- The participants have an understanding of what an interview means. Although they did not specifically mention the skills needed by the interviewer, the answers they provided indicate that they have some understanding of what is required to be a good interviewer.
- Personal description includes not only the physical appearance of the offender but also general information from which the background can be understood.
- Participants stated that this information is available at the Crime Information Analysis Centre in different police stations. This information appears on SAPS 55 (A), which, the participants are of the opinion, is used for describing a missing person.
- Physical description of a person includes describing each part of the body from the head to the feet.
- The participants have different ways which they use to obtain a physical description of the offenders. Ten participants are being guided by the contents of form SAPS 55(A), and the rest by the descriptions furnished by witnesses and complainants/victims. This form was found in eight dockets out of the twenty analysed.
- Physical description can never present an absolutely true descriptive

image of the offender, because it can be affected by certain factors. That is why correct description is vital, so that it cannot lead investigation in the wrong direction.

Research Question 3

How can personal description be used to identify suspects?

In this research it was established that:

- Personal description can be used through communication with fellow police officials, by involving the community, information from informers and by using the media.
- The investigators do not communicate effectively with each other, or exchange information.
- Twenty-two participants have an understanding of how to circulate information on wanted suspects, while the remainder did not mention the procedure.
- The participants mentioned different ways of involving the community.
- Dockets analysis indicated that in eleven cases, suspects were identified by the community.
- Informers are among some of the most important sources of information to the police.
- Participants value information furnished by informers, although the information regarding whether they were used did not appear in cases analysed.
- Government departments that can assist in identifying the wanted suspects include the Department of Home Affairs, the Licencing Department, the National Prosecuting Authority, the South African National Defence Force and the Metropolitan Police.
- There were mixed responses from the participants about these departments, as not all of them mentioned them.
- Cases analysed indicate that two suspects were arrested at the borders, after disseminating photographs.

- Private agencies such as private securities, private investigators, and forensic investigators in private companies, can assist in the identification of suspects.

5.3 RECOMMENDATIONS

The following recommendations are made, based on the facts discovered, to assist investigators in the identification of suspects:

Research Questions 1 and 2

It is recommended that when members of Detectives in the SAPS are trained, the following should be part of the curriculum:

- Investigators should understand the concept of criminal investigation and its objectives.
- Investigators should understand the concept of forensic investigation and its objectives.
- What individualisation is and the process thereof.
- Definition of evidence and the forms/types thereof.
- All the techniques that are used in identifying suspects.
- More knowledge to be used when obtaining information on description of suspects, and the relevant forms used.
- Investigators should be provided with cognitive interviewing skills to assist them in obtaining correct and relevant information.

Research Question 3

It is recommended that:

- Communication among colleagues about suspects be emphasised.
- Investigators use all relevant government departments and private agencies to assist in identifying suspects.
- A formal system be created between government departments so that valuable information on crime can be fully utilised.
- Investigators have an understanding of how to use media to assist in

identification of suspects.

5.4 CONCLUSION

The research design and the methodology used in this research was a success, because the participants answered questions relating to the research. This information was found from the participants as well as literature used throughout the report. The primary research questions under investigation were answered, when it was found that personal description can be used as an investigation technique to identify suspects. The results of the research indicate that training in the field of identification and description of offenders is still needed. It is extremely important that all members of the investigative services be properly trained in identification, interviewing and description of suspects.

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S v Mehlape 1963 (2) SA 29 (A)

S v Mhlakaza en andere 1996 (2) SACR 187 (C)

S v Mlati 1984 (4) SA 629 (A)

S v Mphala and others 1998 (1) SACR 654 (W)

S v Mpumlo 1986 (3) SA 485 (E)

INTERVIEW SCHEDULE

PERSONAL DESCRIPTION: AN INVESTIGATION TECHNIQUE TO IDENTIFY SUSPECTS

Research questions:

1. What is identification?
2. What does personal description entail?
3. How can personal description be used to identify suspects?

I, the interviewee, give permission to be interviewed and that the information supplied during the interview may be used in the research.

Yes	No
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A. Biographical information

1. Gender

Male	female
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2. Population Group

Black	Asian	White	Coloured	Other (specify)
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3. Did you undergo a detective course?
5. What formal qualifications do you have?
6. What type of work are you doing?
7. Name the work-related training you underwent in the past?
8. Did you receive training in the use of personal description as an investigation technique to identify suspects?
9. How many years of experience do you have as an investigator?

B. Identification

1. What is criminal investigation?
2. What is forensic investigation?
3. What is the difference between forensic investigation and criminal investigation?
4. What are the objectives of criminal investigation?
5. What are the objectives of forensic investigation?
6. What is meant by the concept "evidence"?
7. Can you state the different types of evidence?
8. What is meant by the concept "identification"?
9. Can you state the techniques of identification that you know?
10. What method(s) do you normally use during your investigations in order to identify suspects?
11. How do you apply such method(s)?
12. Why do you normally choose such method(s)?
13. Did/do you benefit from using such method(s)?
13. Do you think that identification plays an important role in criminal investigation?

C. Personal description

1. How will you define "personal description"?
2. Name the different techniques that can be used to identify suspects.
3. What is meant by the concept "interview"?
4. Which information is needed to describe a person in full?
5. Which aspects will you take into account when describing a person?
6. How do you go about describing a person physically?
7. Where do you normally obtain information regarding the description of a person?
8. What general information is important in respect of personal description?
9. What are the factors that can influence the reliability of personal description?

D. The use of personal description to identify suspects

1. How can personal description be used to identify suspects?
2. Can you state the role players you use in the utilisation of personal description in

identifying suspects?

3. Did you, in the past, during any investigations, use personal description to identify a suspect?
4. How successful was the use of personal description as a technique to identify suspects?
5. Based on your experience, what advice could you give to improve the use of personal description as an identification technique?
6. Based on your experience, what should be avoided when using personal description as a technique to identify suspects?
7. Which legal aspects should be kept in mind when using personal description to identify suspects?
8. Is the evidence regarding personal description admissible in court?