

AN EMPIRICAL ANALYSIS ON THE PERFORMANCE OF SOUTH AFRICAN POLICE SERVICE DETECTIVE SERVICE

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Abstract: This paper reflects the judicial views regarding the performance of general detectives at station level in South Africa. Until recent years, the perceived performance of South African Police Service (SAPS) detectives received a lot of critics from journalistic reports due to perceived unmanaged workload and withdrawal of cases in courts. However, there is little empirical research on how does the judicial system views the performance of SAPS detectives.

Recognizing this, focus groups interviews were conducted with the Head: Quality Assurance Officers, Senior Presiding Officers, Presiding Officers, Senior Prosecutors and Prosecutors to draw upon respondents' attitudes, feelings, beliefs, experiences and reactions in a way they perceive detectives' performance. For the purpose of this research, three focus group interviews were conducted in Gauteng province (Pretoria, East Rand and Johannesburg Central), Limpopo province (Lebowakgomo) and Kwazulu-Natal (Newcastle). Since the three provinces supra are typical of the different kinds of regions in South Africa, these three provinces were selected as units of analysis for the purpose of this research project. Selected areas within the Gauteng province serve businesses and individuals from a middle class environment, whilst Lebowakgomo and Newcastle serve communities who seem to have progressed less from an economical perspective. The possible limitations for this research are firstly, a concern with the approach used for the purpose of this research was that it relied

heavily on respondents' ability to accurately remember what happened the last time they presided either over cases or when detectives were cross-examined in court. A further limitation was that respondents' views could not be generalised as the views of all judicial officers within the entire Criminal Justice System in South Africa. However, the views by the focus groups provided useful insight as to why detectives are seen as not to be performing well at station level.

The analyses were conducted by pursuing a three-tier strategy that was aimed at drawing upon respondents' attitudes, feelings, beliefs, experiences and reactions regarding their perceptions of detectives' performance. The first approach in this strategy was to canvas judicial officials' views regarding the overall quality of investigations into alleged cases of fraud. The second approach was to provide an in-depth analysis of what respondents identified and described as obstacles hindering and inhibiting detectives' performance in relation to their day-to-day activities. Thirdly, the approach was an in-depth analysis of what respondents proposed as strategies to address and enhance the capacity of general detectives at station level.

The arguments and findings set out in this paper demonstrate that **the Judicial System regards SAPS detectives as inadequately trained thus affecting negatively on the performance the greater Criminal Justice System (CJS)**. Firstly, although these findings cannot be generalised as the views of all judicial officers within the entire CJS in South

Africa, the views of the focus groups provided useful insight as to why detectives seem not to be performing well at police station level. Secondly, the findings of this research might possibly generate interest among other researchers to explore and conduct studies on a larger sample population in South Africa.

Keywords: Competency, fraud, performance, strategy, supervisor

INTRODUCTION

It has been established that courts are institutions tasked to hear cases impartially, but that, as components of the criminal justice system, they are also expected to contribute to the (somewhat uncertain) aims of that system with regard to the combating of crime. It is argued that cases coming before the lower courts seemed petty, lack quality and most of detectives are found wanting when coming to investigation skills and report writing (Altbeker, 2003, p. 14).

Increasingly, public sector organisations, including police, are required to justify public expenditure through a variety of performance reporting regimes (McFadden and Mwesigye, 2002, pp. 752-761). McFadden and Mwesigye further point out that in an environment of increased accountability and heightened public expectation, it is worth considering what additional approaches police might employ to meet public and government interest in their performance. However, Marks and Shaw (2002, pp. i-x) argues that measuring and evaluating police performance is a complicated task. There are many problems in measuring police productivity. It is not possible to translate police output to a monetary value. Police output is a service and requires qualitative and quantitative measurement. Some aspects of police work simply cannot be measured since they are too intermeshed with other influences such as trying to provide communities with a sense of security (Vanagunas and Elliot cited by Marks and Shaw, 2002, pp. i-x).

LITERATURE REVIEW ON DETECTIVE PERFORMANCE

Schönteich (2002, p. 5) points out that no empirical research has been done to show why so many cases are being withdrawn by the prosecution service. Schönteich further argues that it is likely that the core problem facing the courts is one of too few experienced investigators and prosecutors who can expeditiously finalise the investigations, and prosecute the cases referred to court effectively and efficiently. Grabosky (1988, pp. 1-7) points out that because of the multifaceted nature and the inherent limitations of policing, "... *there neither exists nor can there exist a single measure of police*

performance. Rather, it is appropriate to select from a variety of measures those which focus upon that specific element of police activity one wishes to evaluate" (Whitaker as cited by Grabosky, 1988, pp. 1-7).

Grabosky asserts that the first concerns the processes by which resources are translated into operations how, precisely; police spend the funds which they have been granted. If, for example, one's crime control strategy is to maximise visible police presence, one must determine what forms of organisation, management tools and procedures are most conducive to getting more patrols on the street. The obvious focus of this analysis is efficiency. The second stage of performance assessment concerns the impact which police organisation and deployment have on what it is police are seeking to achieve. Can more police patrols and faster response time lead to fewer household burglaries, safer streets and less public fear of crime? The focus here is on effectiveness (Grabosky, 1988, pp. 1-7). Regarding the performance of detectives, the success of the SAPS detective services is measured by the rate at which cases are cleared, namely the rate at which cases are closed by the arrest of a suspect or by the determination that a complaint has been unfounded. This measure incorporates measures of the other outputs identified above. It should, however, be assessed along with the conviction rate, which is a partial measure of the quality of dockets closed by being taken to court (SAPS, 2000, p. 186).

Thornton and Harper (1991, p. 3) assert that detectives are a relatively neglected area of inquiry. Shaw (1996, pp. 1-10) concurs, referring to the SAPS detectives as a 'threatened' breed. Several studies report on some of the challenges facing the South African Criminal Justice system, with special reference to SAPS detectives. These studies, to a certain extent, offer a variety of reasons that negatively impact on the performance of detectives, such as lack of or inadequate training, workload, no mentorship or assistance programme, inexperience and structural changes in the SAPS (Mistry, 2000; Ntuli & Bruce, 2001; Altbeker, 2003; Leggett, 2003; Schönteich, 2003; Montesh, 2007; Minnaar, 2008; Scheepers, 2008).

A study conducted in Canada by Ericson (as cited by Thornton & Harper, 1991:3) analysed the working environment of detectives. Ericson argues that the organisational context of detective work is one that specifically allows for autonomy and freedom of action. This freedom is restrained by the need to maintain good "clear up" or detection rates, the measure of detective work, but allows them to use "creative" techniques to ensure that these rates are good. Paradoxically, though, crime and detection

rates are the measure of detective efficiency; it is not the Criminal Investigations Department (CID) who makes most of the arrests, nor is it the case that detective work is particularly productive when measured according to these criteria (Ericson as cited by Thornton & Harper, 1991, p. 3).

It is interesting to note that Thornton and Harper (1991, p.4), reporting on the findings of a study conducted by the Rand Corporation, point out the following topical issues that are often cited by commentators in South Africa regarding SAPS detectives: (a) criminal investigation is an inherently low yield undertaking; (b) criminal investigation is performed inefficiently.

Greenwood *et al.* (as cited by Thornton & Harper, 1991, p.4) argue that, based on their findings, thirty percent (30%) of all arrests for crime were as a result of uniformed officers responding to a call from the scene of a crime. In approximately fifty percent (50%) of arrests the identity of the offender was known to the victim or a witness. This left some twenty percent (20%) where an investigative effort was called for. Of these, Greenwood *et al.* found that in only approximately three percent (3%) of cases did the arrest result from a 'special investigative effort' where organisation, training or skill made any difference. Put another way, detectives were spending ninety three percent (93%) of their time on activities that did not lead directly to the solving of previously reported crimes. Somewhere around ninety seven percent (97%) of cleared crimes would be resolved no matter what the investigators did, as long as the obvious, routine steps were taken. Only in the major cases such as murder, robbery and commercial theft did they find any evidence that the *quality* of the investigative effort could affect the clearance rate to any extent. The role of the detective was seen to be a support function for the prosecution service, gathering evidence primarily after an arrest had been made to maximise the potential for successful prosecution (Greenwood *et al.* as cited by Thornton & Harper, 1991, p.4).

Thornton and Harper also cite Bottomley and Coleman (Thornton & Harper, 1991), who studied the constabulary in the north of England. The findings by Bottomley and Coleman (in Thornton & Harper, 1991) found that of those offences solved by police action, (which was only fourteen percent (14.28%) of the total), fifty four percent (54%) were discovered during an interview by the Criminal Investigation Department (CID). Bottomley and Coleman concluded that a detective's skill lies less in his ability to investigate in a proactive manner, than in interviewing and obtaining admissions and thereby "taken into consideration" (TICs), after the offender has been taken into custody by a variety of means

other than those connected with proactive detective work. They claim that detectives regularly use a range of investigative techniques, yet achieve results that are not compatible with the effort expended (Bottomley & Coleman as cited by Thornton & Harper, 1991, p. 4). Regarding the organisation of detective work itself, Burrows and Tarling (as cited by Thornton & Harper, 1991) conducted an activity analysis in four provincial British police forces. Using self-completing activity logs to gather information, they noted that detectives spent an average of forty percent (40%) of their time doing investigative work, including interviewing. Report writing occupied on average of twenty seven percent (27%) of detective time. Travelling to and from enquiries accounted for ten percent (10%). The remainder was consumed by court attendance, refreshment breaks, patrol work and other duties.

Sanders cited by Thornton and Harper (1991) argues that these various aspects are fitted together in a mosaic of little tasks. Moreover, there are so many of these tasks, one following the other, that detective work has a production-line quality. The character of their work, Sanders suggests, is at odds with the detective's self-conception (Sanders as cited by Thornton & Harper, 1991:4).

RESEARCH QUESTION

The research question is why detectives at station level in South Africa seem not to be performing well in terms of investigations especially regarding financial related crimes?

DEMARCATON OF THE RESEARCH

For the purpose of this research, three focus group interviews were conducted in Gauteng province (Pretoria, East Rand and Johannesburg Central), Limpopo province (Lebowakgomo) and Kwazulu-Natal (Newcastle). Since the three provinces *supra* are typical of the different kinds of regions in South Africa, these three provinces were selected as units of analysis for the purpose of this research project. Selected areas within the Gauteng province serve businesses and individuals from a middle class environment, whilst Lebowakgomo and Newcastle serve communities who seem to have progressed less from an economical perspective.

LIMITATIONS

The possible limitations for this research are firstly, a concern with the approach used for the purpose of this research was that it relied heavily on respondents' ability to accurately remember what happened the last time they presided either over cases or when detectives were cross-examined in court. A further limitation was that respondents' views could not be generalised as the views of all judicial officers within

the entire Criminal Justice System in South Africa. However, the views by the focus groups provided useful insight as to why detectives are seen as not to be performing well at station level.

RESEARCH METHODOLOGY AND DESIGN

Wimmer and Dominick (1987, p. 70) point out that there are two types of sampling methods: probability (where the probability of selection is known or the universum's boundaries are known); and non-probability sampling techniques (where the probability of sampling is unknown or the universum's boundaries are not known). According to Hagan (1997, p. 136), there are seven types of non-probability sampling techniques. These are convenience, purposive (judgemental), quota, theoretical, snowball, partial and the saturation non-probability sampling techniques.

For the purpose of this research a purposive non-probability sampling technique was applied. The reason for this choice was to identify key judicial officials that were presiding over cases and who interacted with general detectives on a day-to-day basis at lower and regional courts in South Africa. This implies that those judicial officials who were performing support service functions (such as clerks of the court and interpreters) were excluded from the focus group interviews.

Data collection

The focus group meetings took place between April 2009 and June 2009. With the assistance of Mr Petros Mtoti from the Department of Justice and Constitutional Development and Mr C.J. Barnard, who is a Chief Magistrate in Pretoria (Head: Quality Assurance Officer), three focus groups were set up in the three selected provinces (Gauteng, Limpopo and KwaZulu-Natal).

Data were analysed according to the descriptive approach of Tesch (1990, pp. 142-145), following an eight-steps approach. This method helped the research team to reduce data into themes, sub-themes and categories. During the focus groups interviews, the researcher assisted by fieldworkers, including undergraduate policing students, made use of audio recordings of the data by means of a tape recorder. The recorded data were transcribed *verbatim*, which facilitated the process of data reduction (that is, production into themes and sub-themes).

Apart from the tape recording strategy of the interview, the research team made use of field process notes, referred to as field notes, to enhance and supplement information gathering during the interviews. To ensure validity and reliability for the research, the research team ensured that cognisance was taken of four main criteria used in evaluating the

validity and reliability of qualitative studies as pointed out by Seidman (1998) and Marshall and Rossman (1995). These are truth-value, applicability, consistency and neutrality. The findings of this research were controlled by means of consulted literature.

From the analysis of the data, the following themes emerged from the interviews with the judicial officials. Themes are summarised according to the following categories: (a) Overall quality of investigations into alleged cases of fraud. (b) Obstacles hindering the performance of general detectives. (c) Strategies proposed to address and enhance the capacity of general detectives at station level.

DISCUSSION AND FINDINGS

The analyses were conducted by pursuing a three-tier strategy that was aimed at drawing upon respondents' attitudes, feelings, beliefs, experiences and reactions regarding their perceptions of detectives' performance. The first approach in this strategy was to canvas judicial officials' views regarding the overall quality of investigations into alleged cases of fraud. The second approach was to provide an in-depth analysis of what respondents identified and described as obstacles hindering and inhibiting detectives' performance in relation to their day-to-day activities. Thirdly, the approach was an in-depth analysis of what respondents proposed as strategies to address and enhance the capacity of general detectives at station level.

Theme 1 - Overall quality of investigations into alleged cases of fraud

Judicial officials provided a broad framework of what they considered as the overall quality of investigations into alleged cases of fraud. The most predominant theme that emerged, and that was also corroborated in findings by the SAPS Policy Advisory Council (SAPS, 2007), was that detectives possess poor investigation skills as well as poor statement taking. This challenge is crippling the performance of the Detective Service.

Theme 2: The obstacles hindering the performance of general detectives

The second most striking theme that emerged was the existence of a challenge on the competency of leadership within the Detective Service. The focus groups placed the blame for the serious shortage of experienced detectives squarely on the shoulders of SAPS management. It emerged that Detective commanders seemed neither to have the skills nor the capacity to perform to an acceptable standard in their areas of responsibility.

The lack of detectives' performance was attributed to the failure of detective commanders to understand the criminal investigation process, as many of them were perceived to lack investigation experience. None of the focus groups attributed lack of physical resources or infrastructure as an obstacle hindering the performance of general detectives. Possibly this can be attributed to a lack of insight on their part.

From these findings on the performance management of general detectives by the focus groups, the researcher concludes that performance measurement plays a fundamental role in public sector accountability though it can also be argued that it is limited by the difficulty in measuring the qualitative outcomes that are important in the delivery of public services, particularly as processes are defined by the pieces of legislation such the Constitution, regulation and subject to scrutiny by the press, public and politicians. An extensive literature review in this research highlighted that knowledge management is crucial in learning and improvement of detectives. However institutional processes within SAPS can impede learning and knowledge transfer, particularly during processes such as restructuring that seems to be ongoing as indicated in the original research (see Mofokeng, 2010).

Change is inevitable, so is the transformation and restructuring within SAPS as part of this change, however, unmanaged change can result in a situation where knowledge may be lost or not fully exploited due to fears of uncertainty by both detective commanders and general detectives associated with restructuring. Risk management should be vigorously pursued and adopted by SAPS and more so, be seen to be implemented especially within SAPS Division: Detective Service to ensure that knowledge management, risk and performance as a package of controls are realised at all stations across South Africa.

Theme 3: Strategies proposed to address and enhance the capacity of general detectives at station level

Two thirds of the respondents indicated that adequate training, reduction of detectives' workload, mentorship and a strong leadership are some of the solutions needed to address the current challenges faced by detectives at station level. For this theme and its findings, the researcher concludes that it is a fact that SAPS as a public entity is amongst others, accountable to the government and the public. For this reason, the police are under escalating pressure by the media, public at large and politicians to swiftly investigate and bring to courts quality case dockets that will result in successful prosecutions of those who committed amongst others commercial related crimes such as fraud.

The implications on SAPS are that all stations rural locations are equally equipped with adequately capacitated detective commanders, general detectives as well as infrastructure to address any inadequacies that might impede the performance of general detectives. In the course of an investigation, however, detective commanders must observe and interpret various qualitative cues such as proper inspection of dockets and where needed, offer working solution or guidance to general detectives, especially inexperienced ones so as to ensure the cases yielded anticipated outcome. Qualitative elements, characterised by capacitated workforce therefore, can significantly influence general detective performance. As the saying goes "Rome was not built in a day", SAPS marketing department can forge a mutual partnership with the media to communicate to the general public of all positive initiatives that are currently taking place within detective service to improve or capacitate general detectives across South Africa.

During marketing campaigns, SAPS can inform the general public that SAPS is in the process of identifying and implementing best practices within Detective Service to increase the capacity of general detectives. It however, take time and the return of investments are difficult to measure and cannot be as readily translated to and interpreted by the general public in evaluating holistically the performance of police. Assurance within the spirit of *Batho Pele* (People First) Principles, the general public should however, be informed when can the general public anticipate improved service delivery from the situation what they are used to.

RECOMMENDATIONS

Recommendations on statement taking

Although the severity of this problem could not be quantified, this research has justified the need for the SAPS to give urgent attention to this matter in order to empower its detectives in one of the most basic requirements for good investigative skills. This must be addressed by revisiting training interventions to improve the literacy level of detectives. Improvements in detectives' style of investigative thinking and statement taking will surely be a positive step in the right direction.

Possible strategies for improving statement taking

Regular audits within Detective Service to determine what type of training is specifically needed for interview and report-writing skills.

A reporting and monitoring system for detectives at station level should be revisited and be aligned with the strategic objectives of the SAPS. This system

should find out what officers have done, rather than how they have done it.

Detective commanders should be empowered through training, etc, and thereafter held more accountable for the performance of detectives. The professionalising of criminal investigation practice and the sustaining of motivation and commitment are of paramount importance.

The quality of detectives' performance depends on skill, motivation and professional pride. If the SAPS wishes to retain a skilled workforce, especially detectives, adequate steps need to be taken urgently to address the issues raised in chapters two, four and six of the original research (see Mofokeng, 2010).

Possible strategies to improve performance

Refine and articulate the results that Detective Service hopes to achieve with all key stakeholders (including Division: Career Management where policies are developed, Career Management Component and Division: Efficiency Services) and general detectives. SAPS should develop a reliable set of productivity measures and staffing needs should be assessed in comparison with international best practices. A staffing model should take into account realistic objectives per station and reliable detective productivity information.

Strengthen the preliminary investigations process. Coordinated approach between community service centres where members of the public lodge their complaints, visible policing units and Detective Service procedures should be more explicit about how to complete Investigation Reports in such a manner as to be of most use to general detectives. Useful procedures, clearly written in simple English should be developed and made available to all members working within community service centres, visible policing as well as Metropolitan Police Departments.

Train and general detectives to be computer literate and provide network connected computer equipments to general detectives. Computers and information sharing is critical in modern detective work. SAPS general detectives if practically possible, should be provided with personal computers or PDAs so as to perform a variety of investigative tasks. In addition to the usual email software packages that should be installed in their personal computers to transmit and receive reports and information either from their commanders or from SAPS Head Office.

General detectives can use personal computers to access a number of general or fraud crime-related databases either within SAPS or with other government departments and even with international law enforcement agencies. Instead of travelling to

their Local Criminal Record Centres offices, by the click of the mouse they will have access to Criminal Record Centre Crime Systems for criminal history and possible wanted checks, driver and motor vehicle information with the Department of Transport, and test suspects Identity Documents from Home Affairs.

The use of personal computers that are online or connected to SAPS mainframe will go a long way in ensuring that an effective detective case management system is provided which built a strong foundation for efficient detective work. It will make it possible to easily share important case information among detectives, detective commanders, and other law enforcement agencies. At station level, this approach will benefit station commanders as additional management tool that provides information about assigned fraud cases and the status of each case.

CONCLUSION

The arguments and findings set out in this paper demonstrate that the Judicial System regards SAPS detectives as inadequately trained thus affecting negatively on the performance the greater CJS. Firstly, although these findings cannot be generalised as the views of all judicial officers within the entire CJS in South Africa, the views of the focus groups provided useful insight as to why detectives seem not to be performing well at police station level. Secondly, the findings of this research might possibly generate interest among other researchers to explore and conduct studies on a larger sample population in South Africa.

In conclusion, based on the views of focus groups interviews it is apparent that recruitment of SAPS detectives should be based on the incumbent's demonstrated potential to be a good detective, his/her ability to acquire knowledge as well as an ability to investigate cases that will require analytical skill. It can be argued that due to a current shortage of resources, such luxuries cannot be afforded, but respondents' perceptions have revealed that it is a matter of urgency for the SAPS to prioritise the re-skilling of detectives by means of mentorship and formal and in-service training. Adequate assessment tools should be utilised in this regard during recruitment processes. Statement taking should be one of the priority skills lectured at the Detective Academy and it should even be honed at police station level.

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